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A HISTORY OF THE
UNITED STATES
AND ITS PEOPLE

ELROY M
AVERY





973

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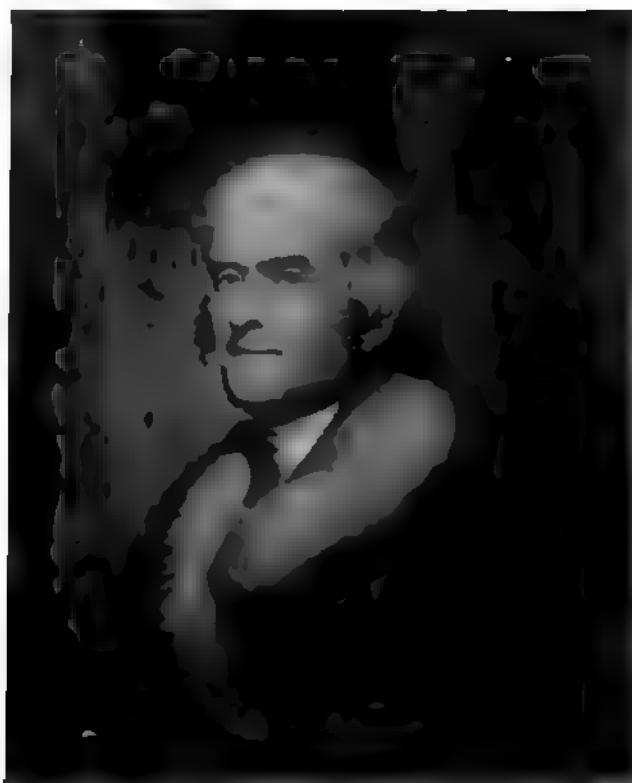
A History of
the United States



VOLUME VII



Thomas Jefferson



W. H. Henson

A HISTORY OF THE UNITED STATES AND ITS PEOPLE

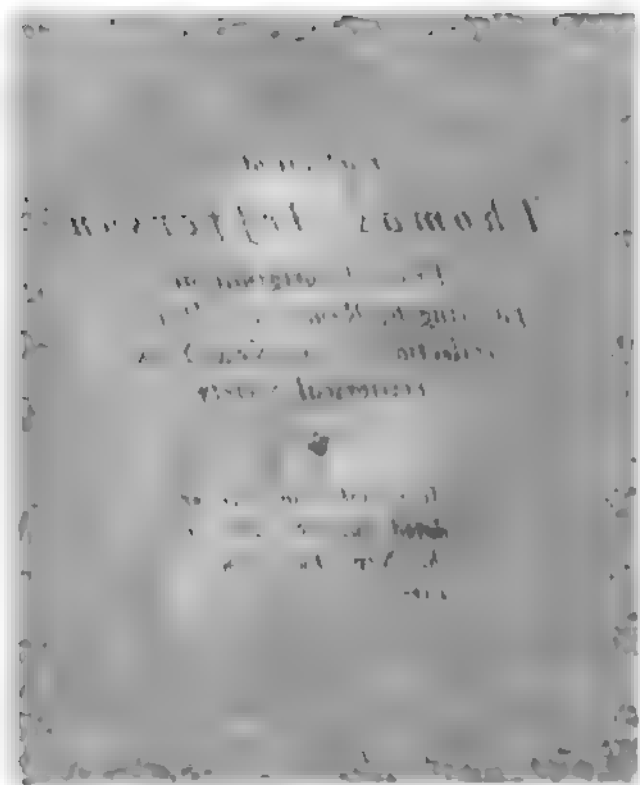
Portrait of
FROM THEIR EARLIEST RECORDS TO
Thomas Jefferson
THE PRESENT

From the original oil
painting by Rembrandt Peale in
collection of the New York
ELROY M. MASON AVERY

IN SIXTEEN VOLUMES

Autograph from a letter
dated July 28, 1803, in
the New York Public
Library

THE BURROUGHS COMPANY
CINCINNATI



A HISTORY OF THE UNITED STATES AND ITS PEOPLE

FROM THEIR EARLIEST RECORDS TO
THE PRESENT TIME

BY

ELROY MCKENDREE AVERY

IN SIXTEEN VOLUMES
VOLUME VII



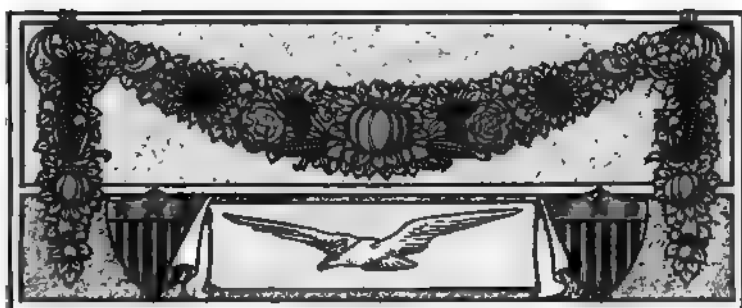
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CLEVELAND



P R E F A C E

THE sixth volume of this history closed with an account of the federal convention that shaped the constitution of the United States. The old articles of confederation were still in force and the struggle for the adoption of the new magna charta was impending. This volume, the seventh, takes up the story at that point and carries it along to 1806.

The narrative covers Washington's two administrations, John Adams's one, and Jefferson's first. According to my best ability within the space at my disposal, it sets forth the policies of that period and the trials and the triumphs, the greatness and the littleness of the men who inaugurated the new government, solidified the loosely coherent parts of the new nation, and shaped its destiny for greatness.

For the helpful criticism and suggestion of reviewers and many others, for the continued liberality of my publishers, for the artistic excellences developed by engravers and printers, and for the manifest appreciation of the cultured reader for whom these volumes are especially intended, I am very grateful. I take especial pleasure in recording my appreciation of the continued aid of Dr. Paul L. Haworth to whom I am under obligation as acknowledged in the prefaces to the three preceding volumes.

ELROY M. AVERY

Cleveland, January, 1910



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A reproduction of the painting by Rembrandt Peale in collection of the New York Historical Society. It was painted in 1803.

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This address, in Washington's own handwriting, is written on thirty-two pages of letter paper (size 7 x 9 inches) sewed together and tied at back with a pale blue ribbon. One thousand and eighty-six lines with one hundred and seventy-four erased lines constitute the address. It was first published in the Philadelphia *Daily Advertiser* (September 19, 1796), nearly six months before Washington's term of office expired. The proprietor of the *Daily Advertiser*, Mr. David C. Claypoole, had received it for publication and was permitted to retain it afterwards. At an auction sale of his estate, Mr. James Lenox purchased the manuscript for \$2,000.00 and in due time it passed into the Lenox Branch of the New York Public Library. It is preserved in a dark leather framed case, under lock and key, the opening and closing pages showing through the beveled glass front.

A History of the United States
and Its People

1788-1806



C H A P T E R I

L A U N C H I N G T H E S H I P

THE constitution, as completed by the convention and accompanied by a letter from Washington as its presiding officer, was at once laid before the congress of the confederation, then sitting in New York; its reception was not enthusiastic. Richard Henry Lee of Virginia, Nathan Dane of Massachusetts, Melancton Smith of New York, and others opposed it vigorously. The adoption of the constitution would put an end to the congress; for the congress to ask the people of the states to ratify the document would be to ask them to sign its death-warrant. It was also contended that the constitution should be amended before it was submitted for ratification. But, under the leadership of Madison and after eight days of delay, congress, by unanimous vote of the eleven states present, ordered the constitution and Washington's letter to be "transmitted to the several legislatures, in order to be submitted to a Convention of Delegates in each state by the people thereof in conformity to the resolves of the Convention." For the next ten months, the constitution was under consideration in the several states and the people were divided into Federalists and Anti-federalists, warm friends and active opponents of the proposed union—the first formation in America of political parties on a truly national issue. The first contest came in Pennsylvania; the first victory in Delaware.

In Pennsylvania, Franklin, the president of the commonwealth, had already presented a copy of the consti-

The Old Congress and the New Constitution

September 28, 1787

In Pennsylvania

I 7 8 7 tution to the unicameral legislature and, in a brief but
 September 18 pithy speech, begged for its favorable consideration. A
 new election was to be held on the first Tuesday of
 November and the Anti-federalists attempted to postpone
 consideration of the document until a new assembly had
 been chosen. But the Federalists were anxious to hasten
 the event and, on the twenty-eighth of September, George



Autograph of George Clymer

Clymer, who had been a
 delegate to the convention,
 moved that a state conven-
 tion should be called to
 accept or to reject the new plan. The Anti-federalists
 protested that the motion was out of order both because
 previous notice had not been given and because congress
 had not yet taken action, but the Federalists carried the
 question by a vote of forty-three to nineteen. When the
 house adjourned for dinner, the nineteen met and pledged
 themselves to defeat the attempt to call a convention in
 the only way then possible to do so. When the house
 was again called to order, it was found that there was
 no quorum present and an adjournment until the next
 day was necessary. In the morning, a mob broke into
 the lodgings of two of the Anti-federalists and dragged
 them, struggling and cursing, to the state-house and
 there held them in their seats. A quorum being thus
 obtained, the house ordered the election of a state con-
 vention to meet at Philadelphia on the twentieth of
 November.

The Quorum

The
 Pennsylvania
 Campaign

September 29

The campaign was bitter and, in some respects,
 picturesque. "Cincinnatus," "Brutus," "Biscayanus,"
 "Homespun," "Tar and Feathers," and other writers
 deluged Pennsylvania with pamphlets and newspaper
 articles. Sixteen members of the legislature who had
 withdrawn to break the quorum issued an address that
 brought upon them the wrath of the friends of the con-
 stitution. The Anti-federalists made much of the fact
 that there had been disagreement in the convention and
 loudly affirmed that the new government tended to
 aristocracy, contained no bill of rights, provided for a

standing army and for custom-house officers, made no provision for annual elections, and would destroy the sovereignty of the states. The Federalist reply was that a strong government was needed and that if the constitution was rejected anarchy would follow. In a great meeting held at the state-house, Wilson defended the constitution in a speech remarkable for strength of argument and dignity of language. When the Federalists pointed to Hamilton, Franklin, and Washington and asked: "Would such men as these advise a course that would result in tyranny?" the Anti-federalists declared they were not "to be misled by the glamour of great names. They had seen names as great as any at the foot of the constitution subscribed to the present reprobated Articles of Confederation." As for Franklin, he was too old; Hamilton too young. One writer, "Centinel," even went so far as to assert that "to talk of the wisdom of the Great Commander and the Great Philosopher was to talk nonsense; for Washington was a fool from nature, and Franklin a fool from age."

At the election, the Federalists carried most of the older settled districts, including Philadelphia; the Anti-federalists won in the newer districts where "the somewhat lawless population looked askance at any plan that savored of a stronger government and a more regular collection of revenue." On the twentieth of November, the convention assembled at the state-house. Wilson and McKean led the Federalist majority; Whitehill, Findley, and Smilie the Anti-federalist minority. To gain time, the minority

A Federalist
Victory

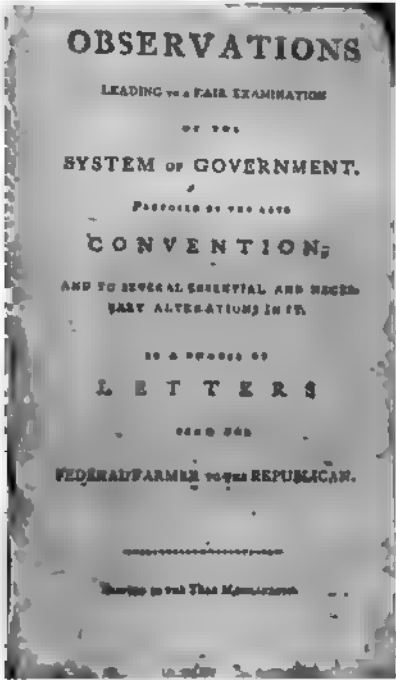
James Wilson
Autograph of James Wilson

spent days "in discussing the meaning of words with which every member on the floor was as familiar as with his own name," insisted upon more than a dozen amendments, and urged an adjournment in order that the people might consider the matter. The Federalists, however, insisted upon their program and, on the twelfth of December, the convention ratified the constitution by a vote of forty-six to twenty-three—the occasion of great

1787 rejoicing. The supreme council, the convention, and the faculty of the university went in procession to the courthouse where the ratification was read to the assembled throng. Bells were rung, cannons were fired, the members of the convention dined at Epple's tavern, and there were other demonstrations.

A Quartet
December 6 While the Pennsylvania convention was still debating, a Delaware convention had assembled at Dover. Thanks to the concession of equal representation in the senate, there was little opposition and, on the second day, the convention ratified the constitution unanimously. Eleven days later, the New Jersey convention acted with similar unanimity, as did that of Georgia on the second of January. A week later, Connecticut ratified the articles by the decisive vote of one hundred and twenty-eight to forty.

In
Massachusetts



Title-page of Richard Henry Lee's Pamphlet, *Letters from the Federal Farmer*

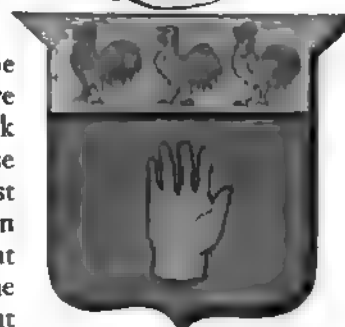
Five states had thus announced their intention of living under the "New Roof," but the real struggle was yet to come. It was probable that without the adhesion of Massachusetts, Virginia, and even the less populous and powerful New York, the new government would fail, and in all three there was bitter opposition. In Massachusetts, the commercial and professional classes were, in general, favorable to the constitution. Knox wrote that "the people of Boston are in raptures with it as it is, but would have liked it still better if it had been

higher toned," but many in the back districts, the advocates of fiat money, and the supporters of the Shays movement aligned themselves against the new system. Pamphlets, such as Richard Henry Lee's *Letters of the Federal Farmer*, and many newspaper articles were scattered broadcast by the Anti-federalists. Elbridge Gerry, who, as a member of the convention at Philadelphia, had refused to sign the constitution, addressed to the general court a letter of objection because the document did not contain a bill of rights and was defective in other respects. "The constitution proposed," said he, "has few, if any federal features, but is rather a system of national government." Other writers objected to the power given to congress to tax imports, to the annihilation of the confederation, and to the right of congress to maintain a standing army in time of peace, while still others indulged in heated declamation and appeals to class prejudices. To these, the clauses forbidding the states to impair the obligations of contracts and to issue paper money were particularly obnoxious, and the old hostility to the people of Boston and to lawyers flamed up afresh. The supporters of the constitution were declared to be generally members "of the NOBLE order of Cincinnati[s]," holders of securities, bankers, and lawyers.

When the convention assembled, the Federalist leaders saw that unless they could win over some of the delegates who were open to conviction the constitution would be rejected. Especial efforts were made to convert John Hancock and Samuel Adams, without whose assistance success would be almost impossible. Hancock was chosen chairman of the convention, but he remained at home for some time fighting "an attack of gout which some of his friends thought



John Hancock



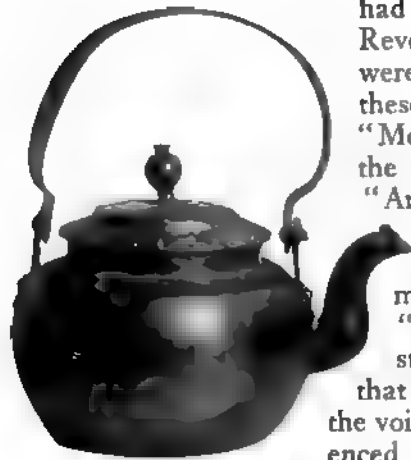
John Hancock's Coat of Arms

1 7 8 8 would disappear as soon as a majority was shown on either side of the difficult question." It was whispered to him that, if he would declare for the new government, Bowdoin's friends would support him for reelection as governor. He was also flattered by the suggestion that he would probably be chosen vice-president and that, if Virginia remained out of the union, he would doubtless be chosen president. As will be seen later, these influences were not without effect.

Sam Adams

From the first, Adams was inclined to be hostile to the plan, but he was not an open Anti-federalist. "I stumble at the threshold," he wrote to Richard Henry Lee in December. "I meet with a national government, instead of a federal union of sovereign states." For the first two weeks of the convention, he listened but did not speak. Later, a great crowd of shipwrights, brass-founders, and other workingmen held a meeting at the Green Dragon tavern, passed strong Federalist resolutions, and appointed a committee of which Paul Revere was one to present the resolutions to Adams. When the great popular leader

Cane used
by John
Hancock



Copper Tea-kettle made by Paul Revere and once owned by John Hancock

had read the paper, he asked Revere: "How many mechanics were at the Green Dragon when these resolutions were passed?" "More, sir," replied Revere, "than the Green Dragon could hold." "And where were the rest, Mr. Revere?" "In the streets, sir." "And how many were in the streets?" "More, sir, than there are stars in the sky." Believing that the voice of the people is the voice of God and perhaps influenced by other motives, Adams became a firm supporter of the constitution.

In the convention, the constitution was considered section by section with anxious care. Many delegates looked with suspicion on the provision that the representatives should hold office for two years. There was a strong belief that "where annual elections end tyranny begins" and it was feared that congress might set itself up as a perpetual oligarchy. The provision that the federal government should have absolute control over the ten-mile-square district that was to be set aside for the capital caused uneasiness and the power to maintain a standing army aroused opposition. "Had I the voice of Jove," declared a delegate from the Maine district, "I would proclaim it throughout the world; had I an arm like Jove, I would hurl from the globe those villains that would dare attempt to establish in our country a standing army!" The failure of the constitution to recognize the existence of God or to provide religious tests for office troubled some of the country members more than it did the ministers of whom there were more than a score. "Human tribunals for the consciences of men," said the Reverend Philip Payson of Chelsea, "are injurious encroachments upon the prerogatives of God. A religious test would have been a great blemish." "Religion is ever a matter between God and the individual," said another minister; "the imposing of religious tests hath been the greatest engine of tyranny in the world." The power of congress to regulate federal elections and the compromise regarding the slave-trade were among the other provisions that were fiercely attacked.

1 7 8 8
Objections

On the twenty-first of January, the *Boston Gazette* charged that large sums of money had been brought from a neighboring state for the purpose of bribing delegates to vote for the constitution and hinted that there might be "collections for the same accursed purpose nearer home." Whether or not there was any truth in the charge is uncertain, but it is known that the contest in Massachusetts had excited eager interest beyond her borders, for the action of Massachusetts would influence powerfully the result in New York, New Hampshire, and

Outside
Influences

1 7 8 8 other states. Richard Henry Lee wrote to Gerry urging Massachusetts not to adopt the constitution without insisting upon amendments and proposed a new federal convention for that purpose. Lee's advice was counterbalanced by a letter from Washington in which he said: "I am fully persuaded . . . that it [the constitution] or disunion are before us to chuse from. If the first is our election, a constitutional door is opened for amendments, and may be adopted in a peaceable manner without tumult or disorder." Washington's letter was published in a Boston paper and bore good fruit.

Ratification

The most serious objection to the constitution was that it did not contain a bill of rights guaranteeing religious liberty, freedom of speech and of the press, and other fundamentals. It was now suggested that the constitution should be ratified and the ratification accompanied with a request for a bill of rights. Through the shrewd management of the Federalist leaders, the plan was proposed by Hancock; Samuel Adams supported it; and, on the sixth of February, Massachusetts ratified the constitution by a vote of one hundred and eighty-seven to one hundred and sixty-eight. The large minority patriotically acquiesced; not a murmur was heard.

In New
Hampshire

The New Hampshire convention assembled at Exeter in February. A majority of the delegates were opposed to the constitution and, though some of them were won over, they were fettered by instructions from their towns. That they might have opportunity to consult their constituents and for other reasons, the convention adjourned until June.

In Maryland

The Maryland convention met at Annapolis on the twenty-first of April. Some of the Anti-federalists in Virginia had held out a substitute plan for a southern confederacy, but their efforts were more than neutralized by the exertions of Washington and Madison. In the convention, Luther Martin, Samuel Chase, and others fought ratification vigorously but, after a session of five days, they were decisively beaten by a vote of sixty-three to eleven. The contest in South Carolina was more prolonged. In this state, Rawlins Lowndes, speaking in the

In South
Carolina

legislature, denounced the constitution because it gave congress power to abolish slavery and because of other alleged defects. He described the articles of confederation as "a most excellent constitution,—a blessing from heaven," that should not be lightly cast away. In the election of delegates, the up-country showed itself Anti-federalist, but the general result was in favor of the constitution. After a session of eleven days, the convention ratified the new plan by a vote of one hundred and forty-nine to seventy-three.

I 7 8 8
January

May 23

Eight states had now ratified the constitution. Could the needed ninth be secured? The next contest was in Virginia, where, as in Massachusetts, the parties were evenly matched. At the head of the Anti-federalists stood Patrick Henry who, in the first continental congress had exclaimed "I am not a Virginian, I am an American!" But Henry now was all aglow with the idea of a southern confederacy, and he was aided by Mason, Richard Henry Lee, Grayson, Benjamin Harrison, John Tyler, and James Monroe. "The madness of Mason and the enmity of the Lee faction to General Washington" were named by Oliver Ellsworth as the chief causes of opposition, but there was more than "personal pique and mean-minded jealousy: the spirit of local pride and the fear for personal liberty were easily aroused in Virginia;" her western sections were already excited over the possibility of allowing Spain to close the lower Mississippi upon which her Kentucky lay, while others feared the commercial power of New England.

In Virginia

The leader of the Federalists in the convention was Madison. In the long debates he displayed unfailing tact and readiness and, "at one moment crushed, at another conciliated his opponent, but always won the day." He was ably assisted by a tall and gaunt young man, John Marshall, only thirty-two years of age but already one of the first lawyers in Virginia, by Governor Randolph who had been won over from the other side, and by young "Light Horse Harry" Lee. Washington, although not a member of the convention, rendered invaluable aid.

Madison and
Marshall

1 7 8 8

A Narrow
Margin

The convention assembled at Richmond on the second of June. From the first, Henry's attitude was very aggressive. He demanded an investigation of the action of the Virginia delegates at Philadelphia: "Even from that illustrious man who saved us by his valor, I would have a reason for his conduct." He and Mason both declared that the constitution set up a national government and deprived the states of sovereignty. Madison replied that the new government was neither a mere confederation nor a thoroughly consolidated government. "It stands by itself. In some respects, it is a government of a federal nature; in others, it is of a consolidated nature." This explanation by no means satisfied the Anti-federalists some of whom indulged in violent declamation. At last, the vote was taken and the Federalists won by a vote of eighty-nine to seventy-nine. As in Massachusetts, the convention accompanied the ratification with a request for a bill of rights and numerous other amendments.

June 25

Rejoicing and
Anger

June 21

While the Virginia convention was debating, the New Hampshire convention reconvened on the fourteenth anniversary of the battle of Bunker Hill and, after a four days' session, won for that state the honor of being the ninth to ratify the constitution. The vote stood fifty-seven to forty-six. Nevertheless, the result in the Old Dominion was of great importance. Virginia was the most populous of all the states, and the new system needed the services of Washington, Jefferson, Madison, and other statesmen of that commonwealth. With both New Hampshire and Virginia under the "New Roof," people felt that success was assured and the Federalists celebrated the Fourth of July with much rejoicing. At Philadelphia, there was a long procession in which were the "Federal Roof" supported by thirteen columns three of which were unfinished, and the "Ship of State" the bottom of which was made of the barge that John Paul Jones took from the "Serapis." It was proclaimed that the old scow "Confederacy; Imbecility, master," had foundered at sea and that the sloop "Anarchy" had gone

ashore on Union Rocks. Philadelphia had an especial interest in the event; she expected to become the national capital. At Providence, there were a Federalist barbecue, an Anti-federalist attempt to break it up, and almost a riot. At Albany, the Anti-federalists burned the constitution, but the Federalists hoisted another copy on a pole raised on the spot where the first had been burned. A conflict between the two factions followed in which some blood was shed.

Meanwhile, the struggle in New York was virulent. Governor George Clinton and his powerful following were bitterly opposed to the new system and, at first, had a majority of the people. Although not then the Empire State, New York extended from the ocean to the lakes and cut in twain the Union that was now assured. The feeling that the state was necessary was so keen that it was seriously proposed that, if she did not come in peaceably, she be conquered and dragged in. Face to face and foot to foot with Clinton stood Alexander Hamilton backed by such men as Chancellor Livingston and John Jay. In the preceding fall, Hamilton had conceived the idea of explaining the new system to the people in a series of essays and secured the assistance of Madison and Jay. Of the eighty-five numbers, Jay wrote five, Madison twenty-nine, and Hamilton fifty-one; collectively, the papers are called *The Federalist*. They were published in the newspapers at intervals during the period from October to August. Although their immediate influence was not as great as some have supposed, *The Federalist* still stands as the best commentary on the constitution and as one of the most profound treatises on government ever written.

The convention assembled at Poughkeepsie on the seventeenth of June with a majority of the delegates hostile to the constitution. The contest was long and bitter, but Hamilton's eloquence and the news from New Hampshire and Virginia worked wonders. Melancton Smith, one of the leaders of the Clinton party and one of the foremost debaters in the country, turned Federalist

1 7 8 7
1 7 8 8

In New York

The
Federalist

The
Convention

1788 and, on the twenty-sixth of July, by a vote of thirty to twenty-seven, New York ratified the constitution. It was

Melancton Smith

Autograph of Melancton Smith

Hamilton's tremendous triumph and, in the subsequent rejoicings

the emblematic ship of state was drawn through the streets with his name emblazoned on her side. Before the vote was taken, however, the convention "clogged its acceptance" by adopting a resolution to the effect that a circular letter should be prepared and sent to the legislatures of the various states recommending a general convention. There was less to fear from such a call than there was from New York's rejection of the constitution.

Rhode Island
and North
Carolina

All of the states were now under the "New Roof" except North Carolina and Rhode Island. The North Carolina convention assembled on the twenty-first of July, but, influenced largely by Jefferson's desire that nine states should ratify and the others hold aloof until amendments had been adopted, adjourned without definite action. In Rhode Island, which was said to be "in no condition to do anything wise," the constitution was printed and distributed by order of the legislature. As directed by that body, the town-meetings met on the fourth of March to consider the constitution, but the Federalists generally abstained from voting and the result stood two thousand seven hundred and eight against adoption and only two hundred and thirty-seven for it. The new government under the constitution was put into operation with these two states "out in the cold," but, not long thereafter, both of the laggard members took their places in the family circle, as will be set forth more fully in succeeding chapters.

August 2

The
New Life

But the backwardness of North Carolina and Rhode Island was of little real importance. Eleven states had adopted the constitution as the supreme law of the land. All that remained was to elect and install the officers who were to make the great experiment a concrete actuality. The consummation and justification of the Revolution

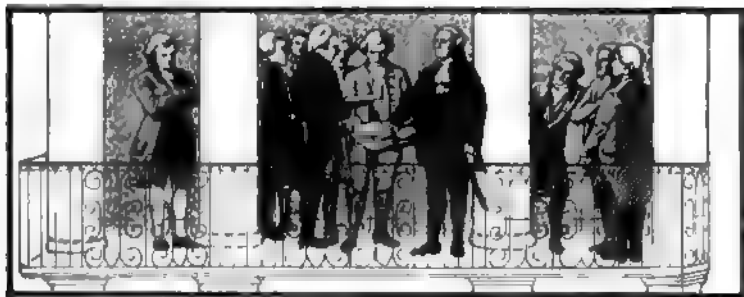
were at hand. At times, the outlook had been dark, but the good sense of the American people and the training of the colonial school for self-government had triumphed.

All sodden yesterday were sea and sky;
A rood, perhaps, beyond the strand—not more—
The straining eye could dimly pierce. The roar
Of reefs unseen died in a sullen sigh.
Crept shuddering back ships that would blasts defy;
In shrouds close, wet, and chill they hugged the shore,
While momentarily, that waste of waters o'er
The deep-mouthed fog-horn poured a moaning cry.

To-day, the merry Morn, with glorious flight,
Wheels up the jocund East, and gilds the deep.
The ships of yesterday, aglow with light,
Crowd on full sail, and seaward lordly sweep;
And I, I gaze with glad but baffled sight,
That from such boding gloom such life can leap.



Arms of the United States, correctly Emblazoned



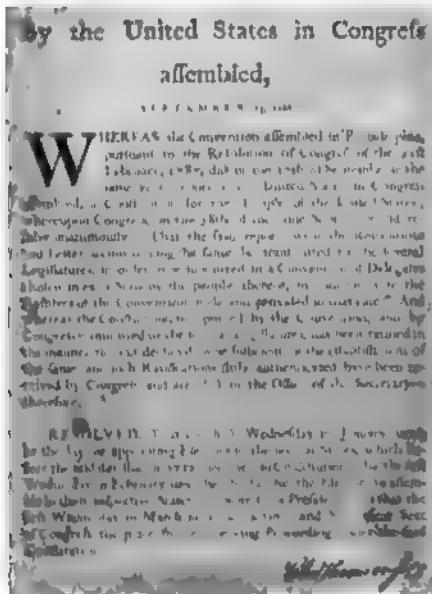
C H A P T E R I I

S E T T I N G S A I L

Presidential
Electors
Chosen

ON the second of July, 1788, the president of the continental congress announced to that body that nine states had ratified the constitution and suggested that steps be taken to put the new government into operation. After some delay, congress

named the first Wednesday of January, 1789, for the choice of presidential electors in the several states, the first Wednesday in February for the meeting of the electors to choose a president and vice-president, and the first Wednesday in March "for commencing the proceedings under the said constitution." In some states the election was by direct vote of the people; in others, by the legislatures, either by joint ballot or by concurrent vote of both branches; in



January 7

Continental Congress Broadside appointing the Day for Electors to vote for the first President under the new Constitution

Massachusetts, two electors were chosen at large by the people and eight more were selected by the legislature from a list of twenty-four sent up by the eight congressional districts. In New York, owing to a quarrel between the senate and the assembly, the Federalists predominating in the former and the Anti-federalists in the latter, there was no choice of electors; during a great part of the period of the first congress, the state was not represented on the floor of the upper house. 1 7 8 9

On the appointed day, the electors met in their respective states as the constitution provided and each cast two votes. Their choice for president was a foregone conclusion. There were many who had rendered great services both in field and in council-chamber and whose names were held in high esteem throughout the country, but there was one who towered above all the rest as a mountain towers above its foothills. During the contest for ratification, one of the most effective arguments for allaying the fears entertained by many had been that he would be at the head of the new government. Although it was known that he was averse to reëntering public life, every one of the sixty-nine electors cast one of his votes for George Washington to be the first president of the United States. Never but once since then has there been such unanimity. First in Peace February 4

The selection of a vice-president had been a matter of uncertainty. Samuel Adams, the "Father of the Revolution," might have been awarded the prize had it not been for his hesitation regarding the adoption of the constitution. The same objection, as well as others, applied to John Hancock. But many felt that, as the president was to be from the South, the vice-president ought to be a New Englander, and the most available man seemed to be John Adams, the "Atlas of Independence." Adams had just returned from his weary and almost fruitless mission to the court of Saint James. He was a man of great ability, but vain, irascible, and lacking in tact. Furthermore, it was feared by many that while abroad he had imbibed monarchical notions, a fear that was The Vice-president

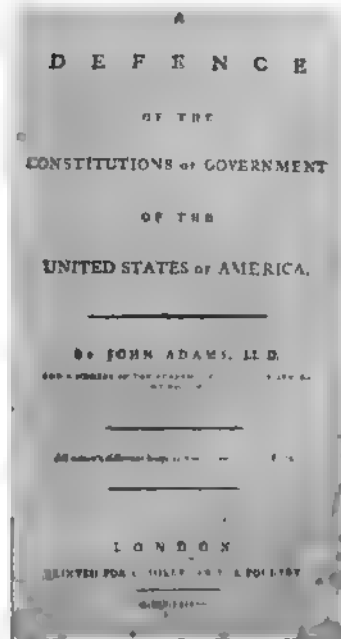
1789 strengthened by the fact that, in a dull book called a *Defence of the Constitutions of Government of the*



John Adams

president. He even sent a special messenger to the Connecticut electors warning them of the pretended danger and, to the same end, exercised his influence over the electors of New Jersey. As a result, Adams lost two votes in Connecticut, five in New Jersey, and doubtless others in other states. He was, however, elected, by a plurality vote of thirty-four out of a total of sixty-nine. His nearest competitors were John Jay of New York who

had seemed to express the opinion that "the rich, the well-born, and the able" ought to have the chief share in government. The New York Anti-federalists pushed George Clinton for the place, but the chief leader of the opposition to Adams was Alexander Hamilton. He affected great alarm lest Washington might receive fewer votes than Adams and that the latter might thus become



Title-page of John Adams's Pamphlet

received nine, Robert H. Harrison of Maryland who received six, John Rutledge of South Carolina who received six, and John Hancock of Massachusetts who received four. Hamilton's plot thus failed, but it marked the beginning of dissensions that were later to bear bitter fruit.

The election of senators and representatives aroused greater excitement than did that of president and vice-president. The manner of choosing them varied greatly in different parts of the country. In New Jersey, for example, some of the polls were kept open for weeks for the selection of representatives. In Connecticut, two elections were held; at the first, three candidates were named, one of whom was chosen at the second. As custom required that the successful candidate must have a majority instead of a mere plurality, the contest was often protracted and much animosity aroused. The question of whether the election of senators should be by concurrent vote or by joint ballot provoked contests in several states. Most of those elected as members of the first congress were comparatively new men. In the house, the most notable member was Madison who had been elected in spite of desperate efforts on the part of Patrick Henry and other Virginia Anti-federalists to defeat him. In Massachusetts, Samuel Adams had been defeated by the youthful Fisher Ames. Elbridge Gerry

1 7 8 9
The First Congress under the Constitution



Fisher Ames

was another Massachusetts representative; now that the constitution had been adopted, he had declared his intention of supporting it in good faith. Connecticut sent Jonathan Trumbull and Roger Sherman; South

1 7 8 9 Carolina, Œdanus Burke and Thomas Sumter. Among the senators were John Langdon of New Hampshire, Robert Morris of Pennsylvania, Richard Henry Lee of Virginia, and Oliver Ellsworth of Connecticut.

The Official
Count

After much hesitation, congress had fixed upon New York as the temporary capital and had set the first Wednesday in March, which fell upon the fourth, for the opening of the first session of the national congress. To the present time, each successive administration has been begun



Officer's Desk used in First National Congress
in Federal Hall

on the fourth of March, a date fixed not by any constitutional provision but by a resolution of the almost defunct congress of the confederation. But

at that time, in 1789, some of the members had not been elected; others were dilatory in assembling. The roads were bad and some of the distances to be traveled were great. The house of representatives was not organized until the first of April and the senate not until the sixth. On the sixth, the senate chose John Langdon as president "for the sole purpose of opening and counting the votes for President of the United States." The electoral votes were counted in joint session of the two houses and messengers were sent to inform Washington and Adams officially of the honors and duties to which they were called.

A Triumphal
March

Just returned from a nine years' stay in Europe, Adams at once set out from Boston for New York. He was escorted by a troop of horse through Massachusetts and Connecticut and in similar manner from the state line to New York City. Two days after he was notified of his election, Washington set out from Mount Vernon to take up his duties as the first chief magistrate of the United States. At Alexandria, he was given a public dinner by

April 16



friends and neighbors and in feeling words replied 1 7 8 9
the speech of the mayor—the beginning of a chorus
raise and God-speed that rose and swelled as he



Copyright, 1909, by Detroit Photographic Co.
Washington's Mansion at Mount Vernon

anced. The road "was lined with people to see him
cheer him as he passed. In every village the people
the farm and workshop crowded the streets to watch
arriage, and the ringing of bells and firing of guns
ed his coming and going. At Baltimore, a cavalcade
tizens escorted him and cannons roared a welcome.
hester, he mounted a horse and, in the midst of a
of cavalry, rode into Philadelphia, beneath triumphal
es, for a day of public rejoicing and festivity. At
ton, instead of snow and darkness, and a sudden
ught upon surprised Hessians, there were mellow
ine, an arch of triumph, and young girls walking
e him, strewing flowers in his path and singing songs
raise and gratitude." At Elizabethtown Point, he
a committee of congress and thence was rowed to April 23
York, followed by a long procession of barges with
c and song, while the flag-bespangled ships in the
or fired salutes in his honor. Accompanied by Gov-
t Clinton and dressed in the familiar buff and blue,

THE Committees of both Houses of Congress, appointed

to take order for conducting the ceremonial of the formal reception, &c. of the President of the United States, on Thursday next, have agreed to the following order thereon, viz.

That General Webb, Colonel Smith, Lieutenant Colonel Fish, Lieut. Col. Lewis, Major L. J. Davis, Major Bleeker, and Mr. John R. Livingston be requested to serve as Assistants on the occasion.

That a chair be placed in the Senate Chamber for the President of the United States. That a chair be placed in the Senate Chamber for the Vice-President, to the right of the President's chair, and that the Senators take their seats on that side of the chamber on which the Vice-President's chair shall be placed. That a chair be placed in the Senate Chamber for the Speaker of the House of Representatives, to the left of the President's chair, and that the Representatives take their seats on that side of the chamber on which the Speaker's chair shall be placed.

That seats be provided in the Senate Chamber sufficient to accommodate the late President of Congress, the Governor of the Western Territory, the five persons bearing the heads of the three great departments, the Minister Plenipotentiary of France, the Honorable the Governor of Spain, the Chaplain of Congress, the persons in the suite of the President, and also to accommodate the following Public Officers of the State, viz. The Governor, the Lieutenant Governor, the Chancellor, the Chief Justice, and other Judges of the Supreme Court, and the Mayor of the city. That one of the Assistants wait on these gentlemen, and inform them that seats are provided for their accommodation, and also to signify to them that no precedence or form is intended, and that no salutation is expected from them on their entrance into, or their departure from the Senate Chamber.

That the members of both Houses assemble in their respective Chambers precisely at twelve o'clock, and that the Representatives preceded by the Speaker, and attended by their Clerk, and other Officers, proceed to the Senate Chamber, there to be received by the Vice-President, and Senators waiting.

That the Committees attend the President from his residence to the Senate Chamber, and that on his arrival he be received by the Vice-President, the Senators and Representatives, and on his departure by the Vice-President be conducted to his chair.

That after the President shall be seated in his Chair, and the Vice-President, Senators and Representatives shall be again seated, the Vice-President shall announce to the President, that the members of both Houses will attend him to be present at his taking the Oath of Office required by the Constitution. To the end that the Oath of Office may be administered to the President in the most public manner, and that the greatest number of the people of the United States, and without distinction, may be witnesses to the solemnity, that therefore the Oath be administered in the outer Gallery adjoining to the Senate Chamber.

That when the President shall proceed to the gallery to take the Oath, he be attended by the Vice-President, and be followed by the Chancellor of the State, and pass through the middle door, that the Senators pass through the door on the right, and the Representatives, preceded by the Speaker, pass through the door on the left, and such of the persons who shall have been admitted into the Senate Chamber, and may be desirous to go into the gallery, are then also to pass through the door on the right. That when the President shall have taken the Oath, and returned into the Senate Chamber, attended by the Vice-President, and shall be seated in his chair, that the Senators and the Representatives also return into the Senate Chamber, and that the Vice-President and they return to their respective seats.

Both Houses having resolved to accompany the President after he shall have taken the Oath, to St. Paul's Chapel, to hear divine service, to be performed by the Chaplain of Congress, that the following order of procession be observed, viz. The door-keeper and messenger of the House of Representatives. The Clerk of the House. The Representatives. The Speaker. The President, with the Vice-President at his left hand. The Senators. The Secretary of the Senate. The door-keeper, and messenger of the Senate.

That a Pew be reserved for the President—Vice-President—Speaker of the House of Representatives, and the Committees, and that pews be also reserved sufficient for the reception of the Senators and Representatives.

That after divine service shall be performed, the President be received at the door of the Church, by the Committees, and by them attended in carriages to his residence.

That it be intrusted to the Assistants to take proper precautions for keeping the avenues to the Hall open, and that for that purpose, they wait on his Excellency the Governor of this State, and in the name of the Committees request his aid, by an order or recommendation to the Civil Officers, or militia of the city, to attend and serve on the occasion, as he shall judge most proper.

April 29th, 1789.

he walked from the landing to his house. "As the people caught sight of the stately figure and beloved colors, hats went off and the crowd bowed as he went by, bending like the ripened grain when the summer wind passes over it, and breaking forth into loud and repeated cheers."

At noon of the thirtieth, six days before the meeting of the states general at Versailles, Washington, dressed in a suit of dark brown cloth of American make, with white silk hose, silver-buckled

shoes, and a dress sword, and accompanied by a military escort, went to Federal Hall and, in the senate chamber where both houses were assembled, was received by Vice-president Adams who had been inaugurated a few

days before. Thence those there assembled repaired to the senate balcony fronting Broad Street where, in the presence of a vast crowd, Chancellor Livingston of New York administered the



View of Federal Hall

The Inauguration of Washington



Railing from Balcony of Federal Hall

1 7 8 9 oath of office. In solemn words Washington responded, "I swear," and then added in a whisper, "so help me God!" He then bent and kissed the bible that Otis, the secretary of the senate, had brought forward. "Long live George Washington, President of the United States!" shouted Livingston, turning to the sea of upturned faces. At the signal a glad huzza rent the air and the cannons at the Battery thundered the first of presidential salutes. The president then withdrew to the senate chamber and there read his inaugural address.

Sunrise for
America

Washington's inaugural oath was the epilogue of the historical drama, the prologue of which was spoken by King George when he announced his purpose of taxing America; the cannons at the Battery had ushered in a new day. For many years, the colonial timepieces had been "ticking to the pressure of the English government, the giant wheels playing calmly, till 1775, when there was a strange stir and buzz within the case. But the sixtieth minute came and the clock struck. The world heard: The battle of Lexington, one; the Declaration of Independence, two; the surrender of Burgoyne, three; the siege of Yorktown, four; the treaty of Paris, five; the inauguration of Washington, six; and then it was sunrise of the new day, of which we have yet seen only the glorious forenoon." The history of the United States under the constitution was begun.

Republican
Simplicity

In accordance with an English and colonial custom, congress decided to return a joint address in reply to the speech of the president. This brought to the front an already mooted question, by what title should the chief magistrate be addressed? A senate committee reported in favor of addressing him as "His Highness the President of the United States and Protector of their Liberties." It is said that Washington would not have been unwilling to accept some such title. But the democratic spirit was strong in the representatives who insisted upon the more simple form: "The President of the United States"—a wise decision in which the senate concurred.

Embarrassed

On the appointed day, the members of the two houses

!

trooped to the president's "audience chamber" where, as previously arranged, the vice-president delivered the address. As on many similar occasions, Washington was much embarrassed when it came his turn to renew the assurances of his distinguished consideration. According to the account given by Senator William Maclay, "the president took his reply out of his coat pocket. He had his spectacles in his jacket pocket, having his hat in his left hand and his paper in his right. He had too many objects for his hands. He shifted his hat between his forearm and the left side of his breast. But taking his spectacles from the case embarrassed him. He got rid of this small distress by laying the spectacle case upon the chimney-piece. . . . Having adjusted his spectacles, which was not very easy considering the engagement of his hands, he read the reply with tolerable exactness and without much emotion."

Many similar matters of form and ceremonial, trivial in themselves but important as precedents, came up for settlement. How, for example, should the president communicate with the senate, orally or in writing? It was decided that he should make his nominations in writing, but that when a treaty was to be communicated he should come in person and remain while the subject was under discussion. One trial, however, produced a change and thereafter treaties were sent in as written messages. The question of presidential etiquette was also a difficult one. There were no precedents to fall back upon and Washington was uncertain where to draw the line between dignity and republican simplicity. Some people of fashion hoped for much of elaborate and courtly ceremonial, "but the extreme Anti-federalists, the men who every election-day denounced aristocracy and the well-born, begrudged him even the fine house and the fine furniture already given him by Congress, and cursed the vandals who were leveling the ramparts of the old fort to make way for a new mansion, yet more costly and spacious than the old." In his dilemma, Washington drew up a set of questions concerning his "system of conduct, in matters of etiquette

Presidential
Etiquette

1 7 8 9

1789 and private intercourse" and submitted it to Adams, Hamilton, Madison, and Jay, for their opinions. Adams, who had just returned from Europe, was inclined to favor a good deal of state and talked much of aides-de-camp, chamberlains, secretaries, and masters of ceremonies; but, in the main, the suggestions of all favored



Civilian Dress in 1789
(Drawn by Mr. H. A. Ogden)

"keeping the nice line between too much reserve and too much familiarity." Ultimately, Washington decided that he would receive no general visits except on certain specified days, that official visitors should come at specified hours, and that he would return no calls. As to dinner parties, he decided not to keep open table as the president of congress had

formerly done; he would invite strangers of distinction and persons of official rank, but would accept no invitations for himself. In time, he came to have a public reception every Tuesday, while Mrs. Washington held a similar levee on Fridays.

Receptions

The president's receptions were held from three to four

o'clock in the afternoon. Promptly on time, the door of the anteroom was thrown open and Washington entered, sometimes accompanied by secretaries of the departments or other high officials. He usually wore a black velvet suit, pearl-colored waistcoat, black silk stockings, silver-buckled shoes, dress sword, and yellow gloves, and carried a cocked hat under his arm. "Thus attired, he would walk solemnly about the room and, being introduced to each of the company in turn, exchange a few words of brief conversation and then pass on. The agony of dislocation to which his later successors submit he seldom risked;" he allowed no familiarity and simply bowed his salutations. "A polar atmosphere," "though after the first formalities there was a brief thaw." At the close of the hour, the president retired to his anteroom, "a signal that the parade was dismissed." Lady Washington's levees were somewhat more lively and were attended by all the beauty, talent, and social distinction of the little capital. The president usually attended these functions and at them was more affable than he was at his own receptions. The liveliest of the ladies are said to have been "not a little ambitious of the rare distinction of making the great man smile."

In spite of all his efforts to avoid extremes in these matters, Washington did not escape criticism. Some were grieved because he was so often seen at the theater and others were dissatisfied because he surrounded himself with too much ceremonial. Some were displeased because at his receptions every one stood and others were offended by the pomp of a cream-colored state carriage drawn by six blooded horses and attended by footmen and outriders in livery. To a criticism concerning the manner in which he bowed, he replied: "That I have not been able to make bows to the taste of poor Colonel B. (who, by the by, I believe never saw one of them) is to be regretted, especially too, as, upon those occasions, they were indiscriminately bestowed, and the best I was master of. Would it not have been better to throw the veil of charity over them, ascribing their stiffness to the

Petty
Criticism

1 7 8 9 effects of age, or to the unskilfulness of my teachers, rather than to pride and dignity of office, which God knows has no charms for me?"

In the
Beginning

These social matters, however, were of little importance compared with the creation of the necessary gov-



Members' Desk used in First National Congress in Federal Hall

ernmental machinery—a tremendous task. When Washington entered upon his duties, the government of the United States consisted of a

constitution, a president, and a congress, nothing more. "The imperfect and broken machinery of the confederation still moved feebly, and performed some of the absolutely necessary functions of government. But the new organization had nothing to work with except the outworn remnants of a discarded system."

There were no executive departments, no funds, no financial resources, and no provision for the collection of revenue or the management of the postal service. There was no judiciary, no navy, and nothing that could be fairly called an army.

A Tariff Bill

One of the first steps taken was in the direction of securing a revenue. The new congress, unlike the old, had power to levy taxes. Two main sources of supply were now available: customs duties and an excise. Before the president was inaugurated, Madison had

April 8

brought forward in the house of representatives to which body the right of initiating revenue legislation belonged, a resolve that led to the first of American tariff debates. His



Chair used in First National Congress in Federal Hall

proposal was much like the one that, in 1783, had failed by the vote of only one state. It provided for specific duties on certain enumerated articles such as tea, coffee, sugar, molasses, wines, and spirits; for an ad valorem tax upon other imports; and for tonnage duties. Madison reminded his hearers of the disgraceful financial conditions under the old congress "and urged that the Union, in its first act, revive those principles of honor and honesty that had too long lain dormant." I 7 8 9

There was, however, much difference of opinion on the tariff question. Some members objected to high duties as provocative of smuggling. Massachusetts members protested against the proposed duty of eight cents per gallon on molasses, one of the chief articles for which New England fish could be exchanged in the West India markets, and the tariff tax was lowered to six cents. Representatives from the South objected to high tariff rates because their section, being almost wholly agricultural, would bear most of the burden. A proposal to lay a tax on the importation of slaves aroused a particularly strong protest, as was to be expected. But compromises were made, both houses passed the bill, and, on the fourth of July, the president signed it. Since that time, many national issues have arisen and been definitely settled, but the first such question to engage the attention of congress under the constitution still persists — the perennial tariff question. In deference to the wishes of merchants in some of the larger towns who, in anticipation of such a measure, had ordered large cargoes of goods from Europe, the impost bill did not go into effect until the first of August. This aroused considerable criticism, for the merchants raised the price of imported goods at once; the treasury lost the taxes and the merchants pocketed their increased profits. A tonnage act was passed as a separate measure.

The First
American
Tariff

Thus was the first American tariff law enacted. Revenue was its main object, but the act contained protective features and the preamble contained the phrase, "for the encouragement and protection of manufactures." It was

The
Protection
Principle

1 7 8 9 expected, for example, that the high duty on rum would promote a home industry, and similar hopes were entertained concerning nails, salt, and other products. The idea that the rate of wages and the standard of living could be thus raised did not appear in the debates. The separate tonnage act also contained protective features supplementary to those of the impost act. The rate per ton on ships built and owned in the United States was fixed at six cents; that upon American-built but foreign-owned ships at thirty cents; and that upon foreign-built and foreign-owned ships at fifty cents. The rates of duty on goods brought in American ships were to be less than on those imported in foreign bottoms.

Executive
Departments

The representatives also took the initiative in the matter of establishing executive departments. On the nineteenth day of May, Boudinot proposed the creation of a treasury department to manage the finances, but congress finally determined to establish three such departments, state (foreign affairs), treasury, and war, with a secretary at the head of each. Provision was also made for the appointment of an attorney-general, an officer who did not become a member of the president's cabinet until the department of justice was established in 1870.



A Digression

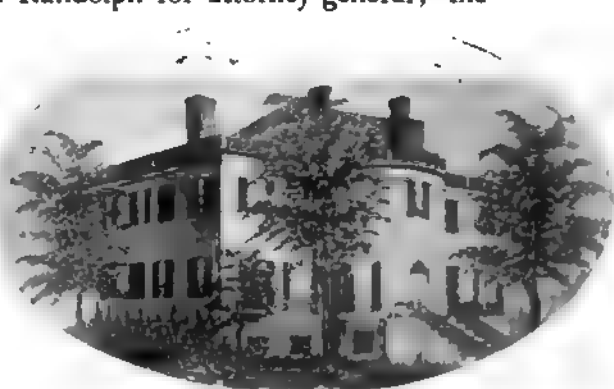
Robert Morris

The secretaryship of the treasury was offered to Robert Morris who had served the confederation as its superintendent of finance, had been a member of the convention that framed the constitution, and was now a member of the senate, a position that he held until 1795. Morris declined the appointment and recommended

Hamilton for the place. He had devoted his great fortune to the welfare of his country and now was poor. To rebuild his wrecked estate, he went largely into trade, but his speculations failed and the country that he had adopted and had served with marked ability and almost unique unselfishness allowed him to spend several years in a debtor's prison! He died at Philadelphia in May, 1806.

In September, Washington nominated Alexander Hamilton for secretary of the treasury; General Henry Knox for secretary of war; Thomas Jefferson for secretary of state, and Edmund Randolph for attorney-general; the

nominations were confirmed by the senate. Knox had held a like office under the confederation and had been Washington's chief of artillery. He was a somewhat pompous man of moderate ability, but his task of



Home of Henry Knox, at Thomaston, Maine

looking after an army that numbered fewer than a thousand men and a navy that was non-existent, and of supervising the public lands was not particularly strenuous. Randolph was a good lawyer and popular in Virginia, but neither he nor Knox measured up to the stature of the other two. To the task of bringing order out of financial chaos, Hamilton brought energy and patriotism, a vigorous mind and a fascinating personality, and a keen insight into the science of finance. Jefferson's mental ability, social capacity, and his cosmopolitan tastes well fitted him for the delicate task of dealing with foreign representatives, while his experience in France where his success had been second only to that of Franklin had given him a knowledge of practical diplomacy. Here were two men of transcendent ability, but their antagonistic

1 7 8 9 political views rendered it impossible for them to remain long in office together.

The Cabinet

When the convention that framed the constitution voted down a proposition to create a sort of privy council consisting of the president of the senate, the speaker of the house of representatives, the chief-justice of the supreme court, and the principal officers in each of the five departments, to advise the president, Mason declared that "we are about to try an experiment on which the most despotic government has never ventured; the grand seignior himself has his divan." Instead of such a council, the constitution provided that the president might "require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices," but it said nothing about a cabinet, nor did congress, in creating the departments, make mention of such a term; it was a question whether the president should bring the secretaries together in a council or deal with them separately. During the first presidential administrations, practice varied. Washington ordinarily took the opinions of his secretaries and of the attorney-general separately or by letter, but on occasions when the subject was of great importance he assembled them in the form of a council for oral discussion. The second president followed a similar course, but under the third president, when the question was of sufficient magnitude, the heads of departments were called together, the subject was discussed and generally decided by a vote in which the president counted himself as but one. Though still unknown to constitution and laws, the cabinet has come to be more fully recognized and its chief function of advising the president and bringing to the administration the support of the different sections of the country now has a greater importance in the real as distinguished from the written government of the United States.

Cabinet and Congress

Then came the question as to whether the heads of departments should have seats in congress, as in England cabinet ministers sit in parliament and present their

measures personally, or meet congress occasionally for 1 7 8 9
 that purpose, or communicate with it by writing only,
 leaving personal communications to be made to members
 individually or in committees. On one occasion, Secre-
 tary Knox wished to explain to the senate a pending
 treaty with the southern Indians and went with Wash-
 ington into the senate-chamber. Washington took the
 vice-president's chair and explained the object of their
 visit. Knox then produced some papers that were read.
 But the presence of the president and secretary embar-
 rassed the senate and a motion was made to refer the
 matter to a committee. Senator Maclay spoke in favor
 of such reference. "As I sat down," says he, "the Presi-
 dent of the United States started up in a violent fret.
 'This defeats every purpose of my coming here,' were the
 first words that he said. He then went on that he had
 brought his Secretary of War with him to give every
 necessary information; that the Secretary knew all about
 the business, and yet he was delayed and could not go
 into the matter." Finally Washington said that he would
 be willing to postpone the matter until the following
 Monday, but that he did not understand the reason for
 commitment. "We waited for him to withdraw," says
 Maclay. "He did so with a discontented air." On
 another occasion, Hamilton asked to be allowed personally
 to present to the house his famous first report on the
 public credit. His opponents, jealous of his rising fame
 or fearful of his eloquence and personal magnetism, man-
 aged to secure a refusal. That decision, though specific
 and purely personal, became a precedent that has been
 followed to the present day.

Another question that affected departmental heads and
 other appointive officers was whether they could be
 removed from office by the president or whether the
 concurrence of the senate was necessary. The constitu-
 tion required such concurrence for appointments, but was
 altogether silent regarding removals. In the *Federalist*,
 Hamilton had taken it for granted that such concurrence
 would be necessary. When the subject came up in the

Removal from
 Appointive
 Offices

1 7 8 9 house of representatives, Madison urged that the president should have the sole power. Sherman and Gerry took the opposite view, but a majority of the house supported Madison. In the senate, which was more nearly concerned, the contest was very close; the vote of the vice-president decided that the president should exercise the power unhampered. So the matter remained until the passage of the celebrated tenure-of-office act under President Johnson.

The
Evolution of
Presidential
Power

The decision thus reached was of great importance. Had the opposite rule been followed, the head of a department might have secured the favor of the senate and then defied the president with success and safety. Under such circumstances, any effective control of his administration by the president would have been impossible and its efficiency greatly lessened. This unhampered power



John Jay —

of removal has gradually led to a presidential power that was not contemplated by the framers of the constitution. In this respect, the federal executive has an influence far more effective than has the executive of any of the states where such officers as secretary of state, auditor, and treasurer are elected directly by the people and are practically independent of any control by the governor.

The National
Judiciary

The organization of the judiciary occasioned less dispute. The bill originated in the senate and was largely shaped by

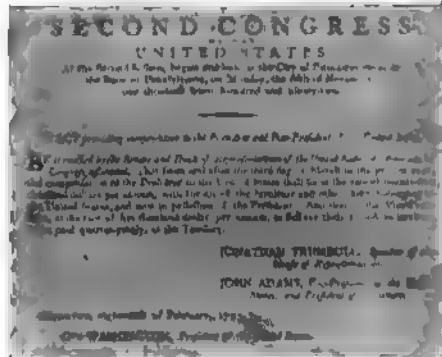
Ellsworth of Connecticut who later became a chief-justice. As finally approved by the president, the act provided for a supreme court composed of a chief-justice and five associate justices. Federal districts, with limits that coincided with state lines whenever possible and to be presided over by district judges appointed by the president, were also created. These districts were grouped into three circuits, the circuit sessions being held by a court composed, at first, of local district judges over which a justice of the supreme court presided. Clerks, marshals, and district attorneys were also provided for. It was this act that created the office of attorney-general. John Jay, who had continued in charge of foreign affairs until Jefferson's arrival, became the first chief-justice.

The first general appropriation act set apart one hundred and thirty-seven thousand dollars for the war department, ninety-six thousand for invalid pensions, and two hundred and sixteen thousand for the civil list. One hundred and ninety thousand dollars was also appropriated to pay warrants drawn by the late treasury board, but no general provision was made for meeting the public debt, a problem that called for exhaustive study. The salary of the chief-justice was fixed at four thousand dollars per year and that of the vice-president at five thousand. In his inaugural address, Washington had said that he did not desire any compensation beyond payment of his expenses, but the constitution declared that he should have a salary and congress felt that it was its duty to provide one. Opinions as to what it should be ranged from seventy thousand dollars a year down to fifteen thousand; in February, 1793, twenty-five

1789

March 21, 1790

Appropriations and Salaries



Act providing Salary for the President and Vice-president

1 7 8 9 thousand dollars was agreed upon. No president received more until General Grant entered upon his second term in 1873. To themselves the congressmen voted an allowance of six dollars for every day of the session, with mileage; to the speaker they granted a per diem allowance of twelve dollars. This very moderate congressional stipend excited much criticism in the newspapers, but the members pointed out that it was less than the salaries paid by most of the states to their delegates to the old congress.

The First
Amendments
to the
Constitution

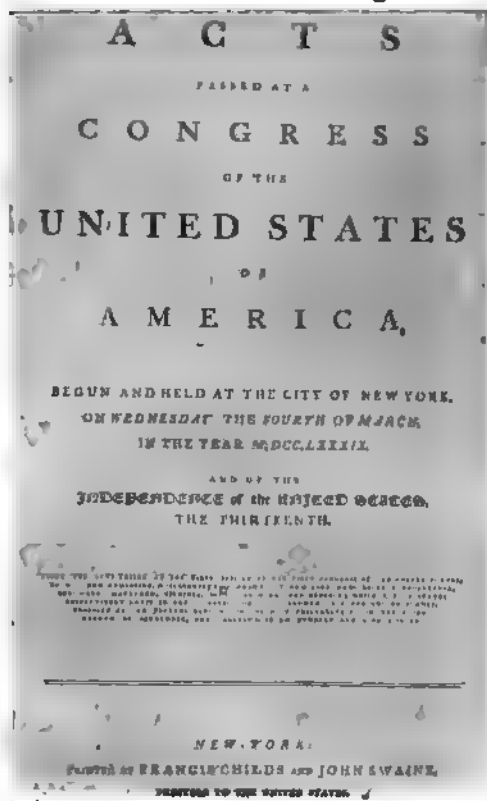
The fifth article of the constitution of the United States provides that amendments to the constitution may be proposed by two-thirds of both houses of congress or by a convention called upon the application of the legislatures of two-thirds of the states. An amendment proposed in either way becomes valid when ratified by three-fourths of the states acting through convention or legislature as congress may direct. Although hundreds of propositions to amend the constitution have been made and although several of the states that ratified the original constitution called for a federal convention for the purpose of revision, it is a remarkable fact that the convention plan has never been put into operation. At the time of ratifying the constitution, several states had expressed a desire for further declarative and restrictive clauses, as recorded in the preceding chapter, and Madison and other leading Federalists had pledged themselves to work to that end. From the many amendments proposed, some of which were practically identical while others contemplated changes too radical for his approval, Madison made a selection and, on the eighth of June, brought the matter up for congressional action. Seventeen of the amendments that he offered received the requisite two-thirds vote in the house; the senate reduced the number to twelve. Of this dozen, ten were subsequently ratified by the states; the other two were rejected. The ten amendments that thus became a part of the constitution formed a supplemental bill of rights, guaranteeing freedom of speech, of the press, of petition, and of religion. They are printed in the appendix to this volume. The

August 22

Anti-federalists had aimed at changes in the framework 1 7 8 9 and were not at all satisfied.

Under the stress and strain of war, congress had been compelled to hold its sessions at eight different places. In December, 1784, it adopted a resolution providing for the appointing of commissioners to lay out a district near the lower falls of the Delaware River for "a federal town, a federal house for congress and for the executive officers thereof, and houses for the president and secretaries of foreign affairs, war, the marine, and the treasury." A motion to substitute "Georgetown on the Potomac" as the site of the federal town was lost, all the states except Virginia voting in the negative. For some reason, the resolution was not carried into effect. In May, 1787, another effort was made to take up a congressional resolution for the erection of government buildings but it did not succeed. The matter was fully discussed in the constitutional convention and the following was included in the enumeration of the powers of congress:

The National Capital



Title-page of the Printed Collection of Acts passed by the First Congress

"To exercise exclusive Legislation in all cases whatsoever,

over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States." Almost as soon as congress was organized under the constitution, it received memorials urging the claims of New York, Philadelphia, Baltimore, Alexandria, Georgetown, Harrisburg, Trenton, and other

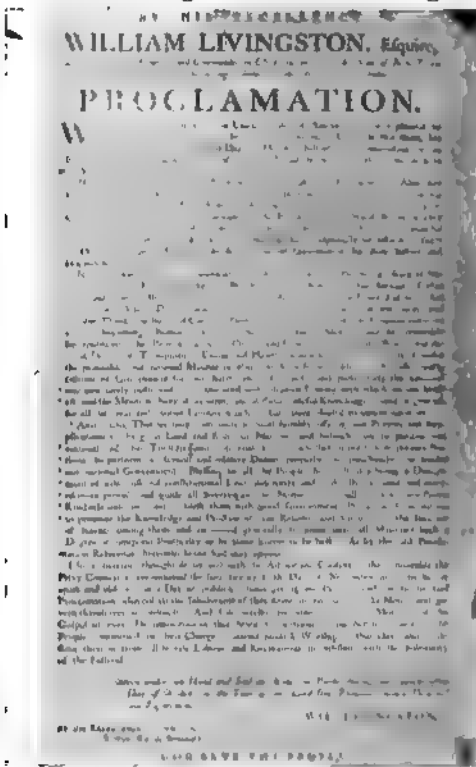
Article 1,
Section 8

places. Maryland and Virginia had authorized the cession of any such district that congress might select for the "seat of the new government," but the house of representatives voted to establish the capital at "some convenient place on the east bank of the Susquehanna River in Pennsylvania."

The senate voted to fix the site at Germantown; the house agreed but added an amendment providing that Pennsylvania laws should continue in force in the district to be ceded by Pennsylvania until congress should otherwise order. The amendment made it necessary to send the bill back to the senate for its concurrence, the session was near its end, many members were clamoring for action upon many important matters, and the federal city bill was left in the hopper. When the second session of congress came, the membership and

September 3,
1789

September 26



Livingston's Thanksgiving Proclamation
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temper of both houses had changed considerably, complications sprang up, and the capital was lost to Pennsylvania as will be explained in the next chapter. 1 7 8 9

The organization of the new government—the laborious task of the first session of the first congress—being well under way, congress requested the president to recommend a “day of public thanksgiving and prayer in acknowledgment of the many signal favors of Almighty God and especially his affording the people an opportunity peaceably to establish a constitution of government for their safety and happiness” and, on the twenty-ninth of September, adjourned. By this time, the new government was so strong that North Carolina called a second convention and ratified the constitution by a vote of one hundred and ninety-three to seventy-five. Adjournment
November 21,
1789

On the twenty-fifth of August, Mary, the mother of Washington, died at Fredericksburg, Virginia, in the eighty-third year of her age. She had been a widow forty-six years. She was buried on the twenty-eighth, but the president did not hear of her death until the first of September. In a letter to his sister, Mrs. Betty Lewis, he said: “Awful and affecting as the death of a parent is, there is consolation in knowing, that heaven has spared ours to an age beyond which few attain, and favored her with the full enjoyment of her mental faculties, and as much bodily strength as usually falls to the lot of four score. Under these considerations, and a hope that she is translated to a happier place, it is the duty of her relatives to yield due submission to the decrees of the Creator. When I was last at Fredericksburg, I took a final leave of my mother, never expecting to see her more.” In speaking of his mother’s will, he gave good

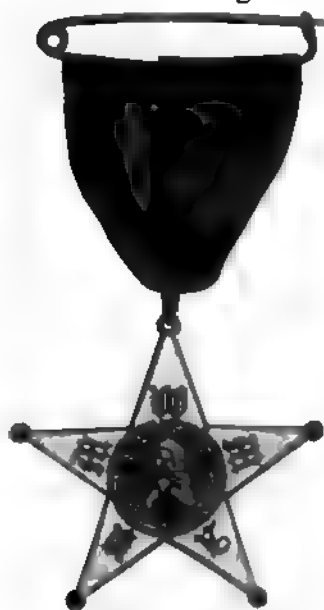
The Death
of Mary, the
Mother of
Washington



Septem-
ber 13

Mrs. Betty Lewis
(Sister of George Washington)

1 7 8 9 business advice as to the settlement of the estate, accepted certain specific legacies "as mementos of parental affection" and thus as of value much beyond their intrinsic worth, and added that "there is a fellow belonging to that estate now at my house, who never stayed elsewhere, for which reason, and because he has a family I should be glad to keep him. He must I should conceive be far short in value of the fifth of the other negroes which will be to be divided, but I shall be content to take him as my proportion of them—and, if from a misconception either of the number or the value of these negroes it should be found that he is of greater value than falls to my lot I shall readily allow the difference, in order that the fellow may be gratified, as he never would consent to go from me." All over the country, the mourning was general, press and pulpit made note of the event, and members of congress wore mourning for thirty days. In



Insignia of the Mary Washington
Association
(Engraved from badge belonging to
Mrs. Elroy M. Avery)

a note of thanks to congress for the passing of a resolution to build a monument in memory of his mother, the president wrote: "I attribute all my success in life to the moral, intellectual and physical education which I received from my mother." But the new government had more pressing duties than the building of monuments and, when Lafayette visited the United States in 1825, nothing but a little headstone marked the grave of Mary Washington. In 1831, the citizens of Fredericksburg had secured about two thousand dollars for the building of a monument over the grave when Silas E. Burrows of New York asked "to be allowed the honor of individually erecting the monument."

The generous offer was accepted and President Jackson 1 7 8 9 laid the corner-stone on the seventh of May, 1833. In the next four years, the base of the monument with its little Doric columns was completed and the obelisk was on the ground ready to be lifted into place when the work was suddenly abandoned. After providing money for the completion of the work, Mr. Burrows went to China where he died; then the contractor died. The first monument was never completed, its stones crumbled and fell, and around them, for four years, surged the great armies of the civil war. From time to time, attempts were made to complete the monument or to build a new one; two or three times, bills for that purpose passed the United States senate and failed to pass the so-called lower house. The Fredericksburg Mary Washington Monument Association was organized and chartered in 1889, raised a considerable sum of money, and received by gift from the city of Fredericksburg and others the land that was needed. In 1890, the National Mary Washington Memorial Association was chartered in the District of Columbia. This organization, composed almost wholly of women and limited to six hundred hereditary life members, received by gift the land that had been deeded to the Fredericksburg association and, with the active coöperation of the Daughters of the American Revolution, secured the money needed and built therewith a new monument and lodge, the title to which is vested in the president and the chief-justice of the United States and the governor of Virginia, ex officio, as trustees. The corner-stone was laid on the twenty-first of October, 1893, and, on the tenth of May, 1894, the new monument was dedicated with masonic



Monument erected in Memory of Mary, Mother of Washington

February 21

1 7 8 9 ceremonies and in the presence of the president of the United States and many other distinguished guests. The old-time cottage that was the home of the "Roman Matron" has been bought, restored, and refurnished as in the days of Mary Washington by the Association for the Preservation of Virginia Antiquities.

Washington
Visits New
England



John Hancock's Vest

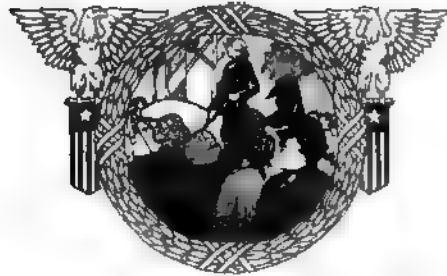
Sunday,
October 26

Soon after the adjournment, President Washington set out on a New England tour. His way lay through Connecticut and Massachusetts into New Hampshire, and thence back by a different route. He did not enter Rhode Island, a state that had not yet come into the Union — technically foreign territory. At Boston, Governor Hancock, who seemed to think that on Massachusetts soil he should take precedence of the president, endeavored to compel Washington to make the first formal call, but public sentiment forced him to plead an attack of gout and to notify the president that if he was "at home and at leisure, the Governor will do himself the honor to pay his respects in half an hour." Fisher Ames said that "the gout came so opportunely last Saturday that it has been doubtful whether his [Hancock's] humility would be gratified with the sight of his superior." Except for this affront, which was of more historical significance than might at first appear, Washington was everywhere received with great enthusiasm. There were feasts, bonfires, and triumphal arches, and the people came



John Hancock's Clock
(Still keeps time)

by thousands. There was still a kind of royal atmosphere and many shouts of "Long live George Washington!" and "God bless your reign!" were heard. Choirs that had carefully practiced stilted odes in which praise ran wild "launched the loud pæan at a face which relaxed nothing of its habitual expression of calm serenity." "We have gone through all the popish grades of worship and the president returns all fragrant with the odor of incense," wrote John Trumbull, the author of *McFingal*. So fulsome and obsequious were the usual formalities that the simple and sufficient greeting of a Quaker selectman excited much merriment throughout the country: "Friend Washington, we are glad to see thee, and in behalf of the inhabitants bid thee a hearty welcome to Salem."





C H A P T E R I I I

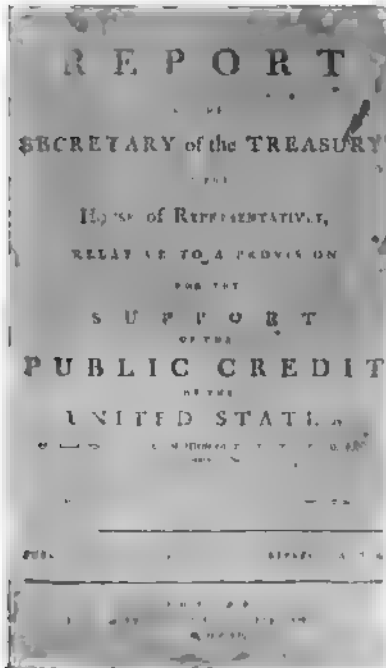
HAMILTON'S FINANCIAL POLICY

Washington's
First Annual
Address to
Congress

THE second session of the first congress was opened at New York on the fourth of January, 1790. On the eighth, both houses assembled in the senate-chamber to receive the president's first annual address which Washington delivered in person, the sending of a written message being a later custom. He congratulated congress on the recent accession of North Carolina, on "the rising credit and respectability of our country, the general and increasing good will toward the government of the Union, and the concord, peace, and plenty with which we are blessed." Then he called attention to what he considered the leading subjects for legislation. "Among the many interesting objects which will engage your attention, that of providing for the common defense will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace." The threatening condition of Indian affairs, the importance of making provision for intercourse with foreign nations, for establishing uniform naturalization laws, uniformity in the currency, weights and measures, patent laws, post roads, the promotion of science and literature, were also referred to, but the chief emphasis was laid upon "an adequate provision for the support of the public credit." The several items of the address were referred to congressional committees for consideration.

Washington's reference to finance was doubtless in-

tended as a preparation for a report upon which Hamilton, the secretary of the treasury, had by direction of the



Title-page of Hamilton's Report on Public Credit

proximately fifty-four million dollars including foreign obligations, unliquidated claims, and outstanding federal money. He estimated the debt contracted by the individual states for general objects at twenty-five million dollars, principal and interest.

As regarded what should be done to meet the debt, the report had no uncertain sound. It pointed out

house been working for some time. The house having declined to receive the report orally, the secretary transmitted it in written form. In this famous report on the public credit, one of the most important of American state papers, Hamilton undertook to set forth the amount of the public debt and to lay down the principles that should be followed in meeting it. He found the total debt of the United States to be ap-

1790
Hamilton's
First Report
on Public
Credit

January 14



Alexander Hamilton

The Price of
Liberty

1790 that, in the future, exigencies would occur when there would be necessity for borrowing. "It is equally evident, that, to be able to borrow upon good terms, it is essential that the credit of a nation should be well established. . . . If the maintenance of public credit, then, be truly so important, the next inquiry which suggests itself is, By what means is it to be effected? The ready answer to which question is, by good faith; by a punctual performance of contracts. States, like individuals, who observe their engagements, are respected and trusted, while the reverse is the fate of those who pursue an opposite conduct." The observance of that good faith rested also "on the immutable principles of moral obligation." The debt "was the price of liberty. The faith of America has been repeatedly pledged for it, and with solemnities that give peculiar force to the obligation." To justify and preserve the confidence of friends of good government; "to promote the increasing respectability of the American name; to answer the calls of justice; to restore landed property to its due value; to furnish new resources, both to agriculture and commerce; to cement more closely the union of the States; to add to their security against foreign attack; to establish public order on the basis of an upright and liberal policy;—these are the great and invaluable ends to be secured by a proper and adequate provision, at the present time, for the support of the public credit."

A Lesson
from History

Upon the advantage of cementing "more closely the Union of the States" Hamilton did not dwell, but it is unquestionable that throughout his career as secretary this was one of the objects he had most in mind. He realized that by pursuing a strong financial policy he would draw to the government's support the moneyed classes. "In this respect he profited by his knowledge of English history; for he knew that since the days of Walpole the wealthy part of the population had exercised a political influence out of proportion to its numbers. More than this, he calculated that a strong financial policy might be made to knit the nation together, and thus to

aid in breaking down the separateness which he deeply deplored. If individuals held the obligations of the nation, they would sacrifice more to prevent its dissolution, and thus a national debt might be made a national blessing. It was an argument which men had heard for many years in England, where it had long since ceased to be believed that the public debt would ever be paid." 1 7 9 0

The report further declared that the advantages to the public creditor of honesty on the part of the nation needed no further explanation. "But there is a consequence of this, less obvious, though not less true, in which every other citizen is interested. It is a well known fact, that, in countries in which the national debt is properly funded, and an object of established confidence, it answers most of the purposes of money. Transfers of stock or public debt, are there equivalent to payments in specie; or, in other words, stock in the principal transactions of business, passes current as specie." The same thing, Hamilton thought, would in all probability happen in the United States under like circumstances, though the advantages described might not be instantaneous, as "it might require some time to bring the value of stock to its natural level, and to attach to it that fixed confidence, which is necessary to its quality as money." Confidence Capitalized

As regards the foreign debt, Hamilton stated that it was agreed on all hands that it should be paid "according to the precise terms of the contracts relating to it." Payment at Par
Concerning the domestic debt there was not the same unanimity of sentiment. There were those who asked: "Whether a discrimination ought not to be made between original holders of the public securities, and present possessors, by purchase?" In favor of such discrimination it was "alleged that it would be unreasonable to pay twenty shillings in the pound, to one who had not given more for it than three or four. And it was added that it would be hard to aggravate the misfortune of the first owner, who, probably through necessity, parted with his property at so great a loss, by obliging him to contribute to the property of the person who had speculated on his

1 7 9 0 distresses." Hamilton, however, rejected the doctrine "as equally unjust and impolitic; as highly injurious, even to the original holders of public securities; as ruinous to public credit." Discrimination would be a breach of contract because "the nature of the contract, in its origin, is, that the public will pay the sum expressed in the security, to the first holder or his assignee." The precedent of an invasion of the fundamental principle of the rights of a free purchaser would tend to weaken all such securities in the future.

Assumption of
State Debts

The enunciation of such principles as these would alone have aroused great public interest, but the report contained a still greater sensation. Not only did Hamilton express himself in favor of paying both the foreign and domestic debt but he also advocated having the federal government assume the state debts that had been contracted in carrying on the war for independence. His arguments in favor of such a course were that the state debts were incurred in the common defense, that by removing a large quantity of American obligations from the market the value of American securities would be strengthened, and that assumption would tend to strengthen the nation. Again, however, knowing the deep-seated prejudice in some quarters against a strong national government, he did not stress the last mentioned argument.

Probabilities

To meet all these obligations, Hamilton proposed that the debt should be funded at a lower rate of interest, that the existing system of imposts should be continued and increased, and that an excise should be levied. "Probabilities," said he, "are always a rational ground of contract. The Secretary conceives, that there is good reason to believe, if effectual measures are taken to establish public credit, that the Government rate of interest in the United States will, in a very short time, fall at least as low as five per cent.; and that, in a period not exceeding twenty years, it will sink still lower, probably to four. There are two principal causes which will be likely to produce this effect; one, the lower rate of

interest in Europe; the other, the increase of the moneyed capital of the nation, by the funding of the public debt."

I 7 9 0

Government obligations had already appreciated in value since the inauguration of the new government; Hamilton's report brought them up to fifty cents on the dollar. Speculators sent out agents to buy up the certificates. "Couriers and relay horses by land, and swift sailing pilot boats by sea, were flying in all directions," says Jefferson, with probable exaggeration. "Active partners and agents were associated and employed in every State, town, and county, and the paper bought up at five shillings and even as low as two shillings in the pound, before the holder knew that Congress had already provided for its redemption at par." It was charged that Hamilton gave his friends advance information that enabled them to make large profits.

Profitable
Speculation

The secretary's report aroused both enthusiasm and bitter opposition. Many persons favored scaling the public debt and paying it at its market rather than its face value, urging that the certificates had been floated far below par and that the government had never received an equivalent of their face value. Many others bitterly opposed paying full value to holders who had perhaps obtained the certificates at an absurdly low rate. Even Madison, misled by the specious plea of injustice to the original holders and doubtless influenced by public opinion in Virginia, declared himself in favor of discrimination. Ultimately Hamilton's idea prevailed and a funding act was passed which provided that holders of certificates were to receive face value, the only exception being that the still outstanding continental bills of credit were to be cancelled at the rate of one hundred for one. With this exception, owners of the old obligations might exchange their holdings at par for new bonds, two-thirds of which were to bear six per cent. interest from the date of issue and the other third, known as deferred stock, at the same rate from 1801. Arrears of interest were to be funded at three per cent. Only two per cent. of the new bonds were to be redeemable each year, a provision that gave

Funding the
Continental
Debt

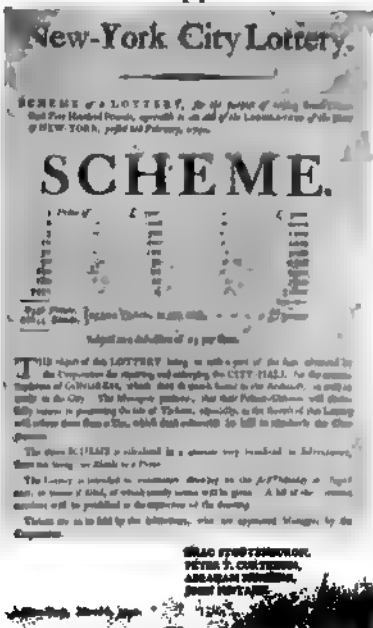
August 4

1790 some color to the charge that Hamilton “wished to make the debt all but perpetual.”

Concerning
the State
Debts

The proposal to assume the state debts aroused greater opposition. In Massachusetts, South Carolina, and Connecticut, with their large state debts, the plan was popular, while Virginia, which had been able to reduce her debt greatly by funding it and by selling Kentucky lands, took the lead in opposition and was supported by Georgia,

Maryland, and New Hampshire. Pennsylvania stood neutral; New York and New Jersey supported Hamilton. In congress, the anti-assumptionists argued that such a scheme would tend toward encroachment upon local revenue powers, that it would be unjust to saddle the states that had small debts with those of other states less thrifty, and that there was no way of knowing what those debts amounted to. The assumptionists replied that the amount could be determined with sufficient accuracy, admitted that the debts thus assumed ought to be limited to those incurred



Broadside announcing a Lottery in New York City for Repairing and Enlarging the City Hall

in winning independence, and urged that it would be of advantage to the country as a whole once more to set the states upon their feet. In March, the assumptionists carried the day in committee of the whole house, but the North Carolina delegation soon appeared and the measure was lost by a majority of two. The house then adopted a substitute measure prepared by Madison who wished to take into account all debts incurred by the states in the common defense, whether paid off or not, “or, in other

April 12

words, to liquidate and apportion among them the 1 7 9 0 expenses of revolution *ab initio*."

In all probability, Hamilton's plan for the assumption of the state debts would have failed had it not become connected with another measure that was troubling congress. At the end of the first session, the selection of a site for a permanent capital had been left undecided, as told in the preceding chapter. The southern members wanted to have the capital on the Potomac and the Pennsylvania delegation wanted it at or near Philadelphia, and at this second session, the subject became complicated with the assumption bill. The Pennsylvania delegates entered into a bargain with the southern delegates to oppose assumption; in return, the capital was to be fixed at Philadelphia for fifteen years, after which it was to be removed to the Potomac. But the story got abroad and the house struck out Philadelphia and inserted Baltimore. Then Hamilton had an interview with Jefferson and, on the next day, Hamilton, Madison, and others took dinner at Jefferson's house where the bargain was completed over fine punch and Madeira. The capital was to be removed to Philadelphia for ten years and then permanently established on the banks of the Potomac; the state debts were to be assumed. Both parties lived up to the terms of the agreement; before adjournment, the question of the capital had been settled and assumption had been made a part of the general funding act. The amount of state debts assumed was arbitrarily fixed at twenty-one and a half million dollars. A prompt settlement of the questions of dispute was of greater immediate value than the careful adjustment of the several burdens.

Hamilton's recommendation for additional impost duties upon distilled spirits and for an excise upon those produced in the United States was rejected by the house by a vote of twenty-three to forty-five. But some provision had to be made to meet the large estimated deficit and, on the ninth of August, the house directed Hamilton to report, on the second Monday of December, "such further provisions as may, in his opinion, be necessary for

Hamilton's
and
Jefferson's
Bargain

July 16
August 4

The End of
the Second
Session
June 21

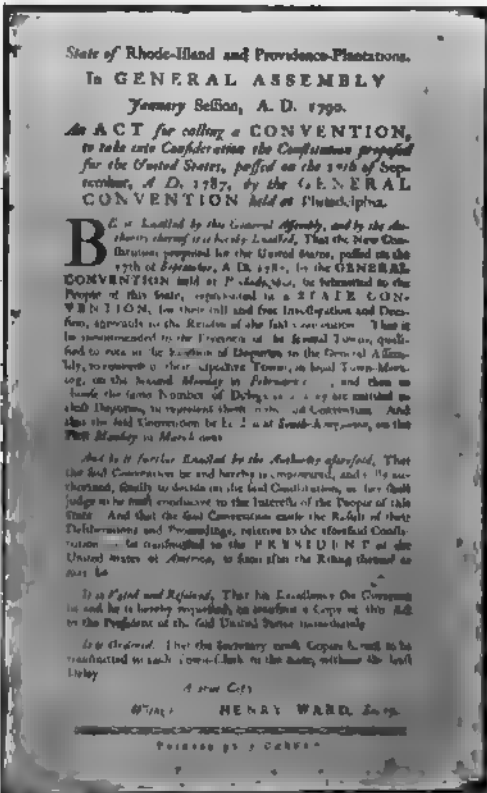
1790 establishing the public credit." Three days later, congress closed its second session by adjournment.

The
Accession of
Rhode Island

January 21

May 18

May 29



Rhode Island Bill calling a Convention to Consider the National Constitution

Early in the year and by the casting vote of Governor Collins in the board of assistants, the Rhode Island assembly passed a bill calling a convention to consider the national constitution. In the convention, the Anti-federalists had a doubtful and uneasy majority. The secession of the two commercial towns of Providence and Newport was openly talked of in Rhode Island, and the upper house of congress supplied added stimulus by passing a bill that prohibited commercial intercourse

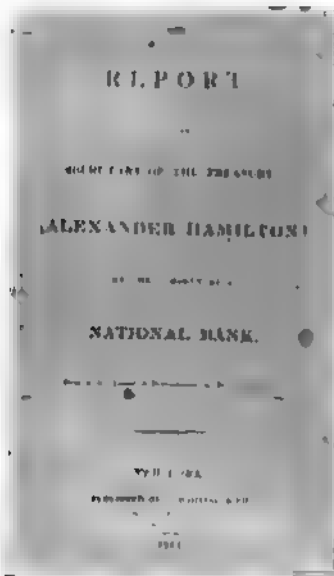
with the recusant state and authorized a demand upon her for her share of the continental debt. After an adjournment and much procrastination, Rhode Island ratified the constitution by a majority of two votes. The "Original Thirteen" were again united. On the first of June, a message from the president announced the accession of Rhode Island and the tardy members from that state soon took their seats in congress. As soon as congress adjourned, Washington visited Rhode Island and was there received with as great enthusiasm

1790 as he recently had been in the other New England states.

Hamilton's
Second
Report on
Public Credit

The third session of the first congress was opened at Philadelphia on the sixth of December, 1790. On the thirteenth, Hamilton submitted his second report on the public credit. The report showed that nearly a million dollars must be raised by added taxation and proposed a duty on foreign distilled spirits and one on spirits distilled within the United States. These

recommendations were in accord with Hamilton's general theory that it was wise to have as little direct taxation as possible and to raise as much revenue from articles of luxury as was consistent with successful collection. The excise proposal was distasteful to states-rights men, for it implied a resort to internal taxation and the presence of federal officials, but, after considerable opposition, a bill embodying Hamilton's suggestions passed both houses and became a law by the signature of the president on the third of March, 1791. A member



Title-page of Hamilton's Report on the Subject of a National Bank

Hamilton
Proposes a
National
Bank

remarked that it was "like drinking down the national debt." In December, 1790, Hamilton laid before the house a plan to institute a national bank. "It is a fact, well understood," so ran the report, "that public banks have found admission and patronage among the principal and most enlightened commercial nations. They have successively obtained in Italy, Germany, Holland, England, and France, as well as in the United States. And it is a circumstance which cannot but have considerable weight, in a candid estimate of their tendency, that, after an experience of centuries, there exists not a question about their

utility in the countries in which they have been so long established. Theorists and men of business unite in the acknowledgment of it." The principal advantages of a bank he found to be "the augmentation of the active and productive capital of a country," "greater facility to the Government, in obtaining pecuniary aids, especially in sudden emergencies," and "the facilitating of the payment of taxes." He, therefore, recommended the creation of a bank, the capital stock of which should not exceed ten million dollars, of which not more than two million dollars the federal government should hold. At this time, there were but three banks in the country, one at Boston, one at New York, and one at Philadelphia.

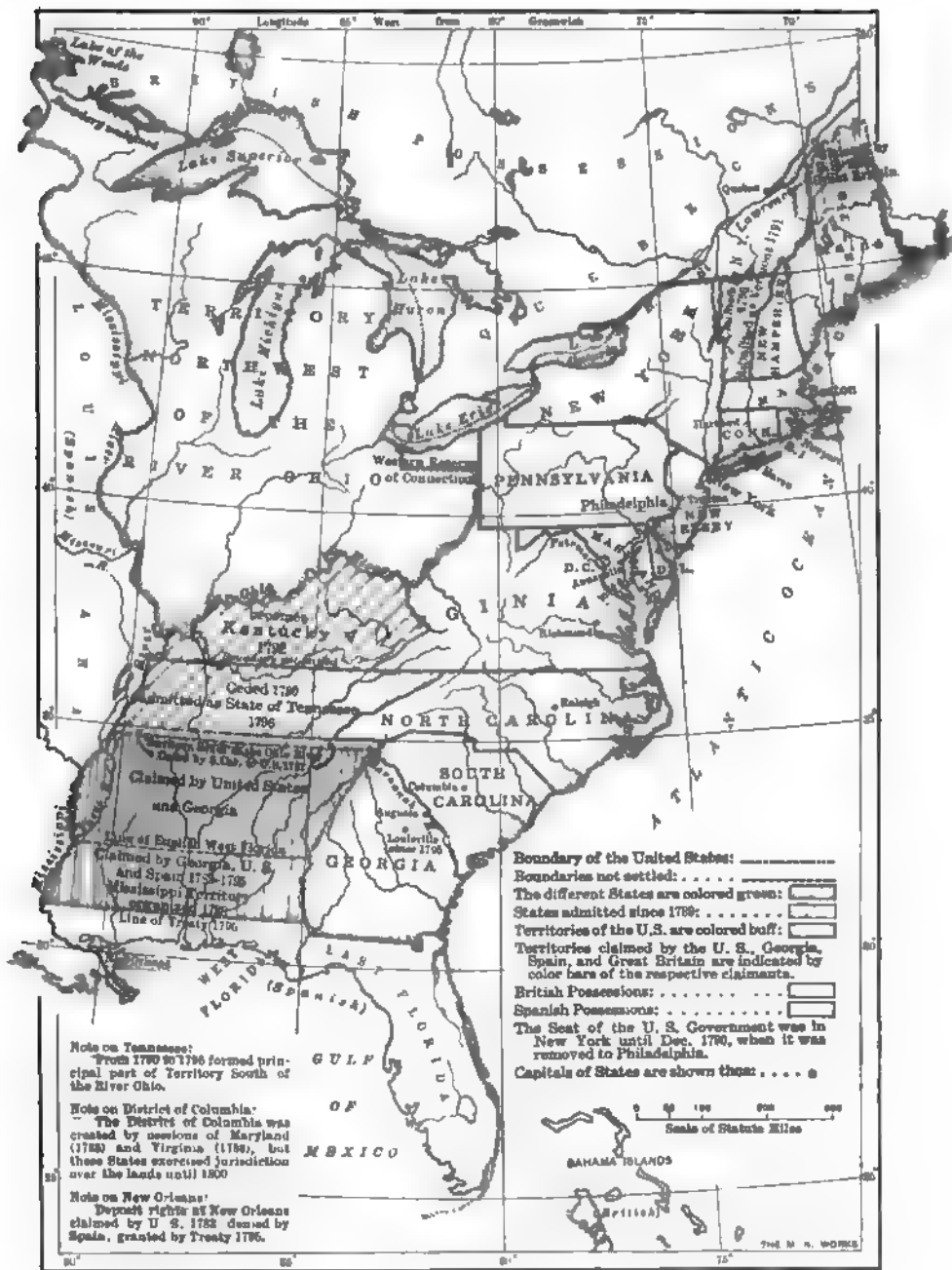
A bill embodying Hamilton's plan passed the senate "with the customary secrecy," but when it reached the house it gave rise to the longest and bitterest debate of the session. One of the arguments most urged by those opposed to such an institution was that the constitution nowhere conferred upon congress the right to establish a bank. The supporters of the plan met this with the doctrine of "implied powers" and, being supported by the financial interests, forced the bill through the house. As finally passed, the bill chartered for twenty years the Bank of the United States with a capital stock of ten million dollars in shares of four hundred each. The United States might subscribe two million dollars but need not pay its subscription at once. Individuals were to have the privilege of paying three-fourths of their subscriptions in government securities, and bills of the bank were to be receivable for all payments due the government. The bank was to be a depository for public funds, but it was not, without the consent of congress, to loan more than a hundred thousand dollars to the treasury.

When the bill came up to the president, he asked for the opinions of the attorney-general, the secretary of state, and the secretary of the treasury as to the constitutionality of the measure. Randolph's reply is not important, but the opinions submitted by Jefferson and Hamilton remain today among the ablest statements of the "strict

The Bank of
the United
States

February 8

Jefferson as
a Strict
Construc-
tionist



MAP OF UNITED STATES BOUNDARIES AND TERRITORIAL SETTLEMENTS, 1789-99

constructionist" and "broad constructionist" views of the constitution. Jefferson pointed out that the federal government was an authority of delegated powers and that the power to establish a bank was nowhere mentioned in the constitution. It was true that to congress was given such powers as to levy taxes, borrow money, regulate commerce, and "to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." But Jefferson contended that the words "necessary and proper" in this "general clause" were to be construed strictly, not in the sense of merely "convenient." A bank, argued he, is not an absolute necessity for carrying into effect any of the delegated powers, hence a bill establishing such an institution is unconstitutional. "If such latitude of construction be allowed to this phrase as to give any nonenumerated power, it will go to every one, for there is not one which ingenuity may not torture into a *convenience* in some instance or other, to *some one* of so long a list of enumerated powers. It would swallow up all the delegated powers, and reduce the whole to one power, as before observed. Therefore it was that the Constitution restrained them to the *necessary* means, that is to say, to those means without which the grant of power would be nugatory."

Hamilton's opinion was in the nature of a reply to the stand taken by Jefferson and Randolph. He thought it "essential to the being of the national government, that so erroneous a conception of the meaning of the word *necessary* should be exploded. It is certain, that neither the grammatical nor popular sense of the term requires that construction. According to both, *necessary* often means no more than *needful, requisite, incidental, useful, or conducive to*. It is a common mode of expression to say, that it is *necessary* for a government or a person to do this or that thing, when nothing more is intended or understood, than that the interests of the government or person require, or will be promoted by, the doing of this

Hamilton as
a Broad Con-
structionist

1 7 9 1 or that thing." He then traced "a natural and obvious relation between the institution of a bank and the objects of several of the enumerated powers of government," such as collecting taxes, borrowing money, regulating commerce, and raising and maintaining fleets and armies.

A Strong
National
Government

McCulloch vs.
Maryland

A Successful
Fiscal Agent

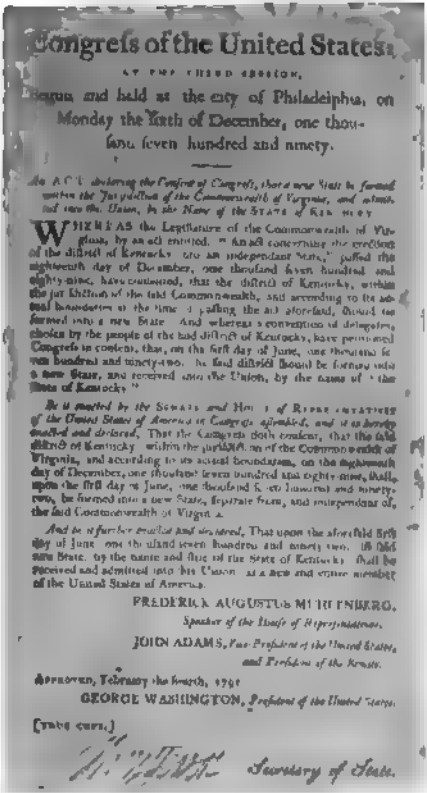
Hamilton's argument was so convincing that Washington signed the bill which thus became a law. The first great battle between strict construction and broad construction had been fought. The doctrines so ably set forth by Hamilton were afterwards confirmed by Chief-justice Marshall. "The sound construction of the Constitution must allow to the national legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people," was the conclusion of the supreme court. It became the settled theory that when the grant of a power to the national government has been established that power is to be construed broadly. "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional."

The Bank of the United States was cordially welcomed by the financial world. Business men saw that the connection of the bank with the government was bound to make the enterprise profitable, and there was great eagerness for the stock. When the books were opened in Philadelphia, all the shares were taken up within an hour. In a year they were selling at fifty per cent. above par, much to Hamilton's dismay. The bank rendered important services to the government and for eighteen years paid an average annual dividend of eight and a half per cent. It restrained the issue of state bank-notes, provided a safe and ample currency, and made easy the management of the public revenue. The fact that its bills were paid in gold and silver when presented at its counters inspired confidence in the business world and raised the

credit of the government from which it had received its charter. 1791

Late in January, Hamilton sent to congress a report on the establishment of a mint and congress adopted most of his suggestions. In this essay on coinage, he advised the adoption of the decimal system and outlined a plan that, in the main, has been followed since. The only point that aroused debate was the proposition that each coin should bear a representation of the head of the president in whose administration it was issued. This suggestion was rejected as too monarchical; the head of the goddess of liberty was finally substituted. For us, the most interesting feature of Hamilton's report lies in his advocacy of a double standard. He admitted the necessity of conforming to the practice of the commercial world and especially of England, with which we had our largest dealings. He "admitted the difficulties attendant on maintaining a proper ratio between the metals, so that one by being overvalued should not drive the other out. But after all deductions and with full allowance for all possible risks, he comes clearly to the conclusion that in the long run greater steadiness is acquired by maintaining a double rather than a single standard, and that a better circulating

The United States Mint



Amendment to Act Establishing the Seat of Government of the United States

1 7 9 1 medium, larger, more convenient, and less subject to dangerous fluctuations, is thus attained." After amending the act establishing the permanent seat of government, the first congress finally adjourned on the third of March, 1791. On the fourth, the senate met in extra session and adjourned the same day.

Washington's
Southern
Tour

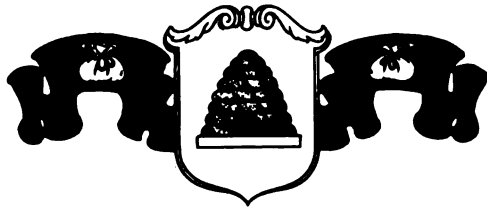
Soon after the final adjournment of the first congress, Washington set out on a three months' tour through the southern states. He went by way of Richmond, Newbern, Wilmington, and Charleston, as far as Savannah and returned by way of Columbia, Charlotte, and Hillsboro, a journey of more than eighteen hundred miles. "So highly were we favored," says he, "that we arrived at each place where I proposed to make any halt, on the very day I fixed upon before we set out. The same horses performed the whole tour; and, although much reduced in flesh, kept up their full spirits to the last day." These tours appealed strongly to the warm human interest that gathers much more readily around great men than it does around constitutions and forms of government. Washington's personal presence brought home to the people the reality of a central government that to many had seemed shadowy and distant. They knew him and loved him; his very name symbolized freedom and victory; and "when he came among them as the head of a new government, that government took on in some measure the character of its chief."

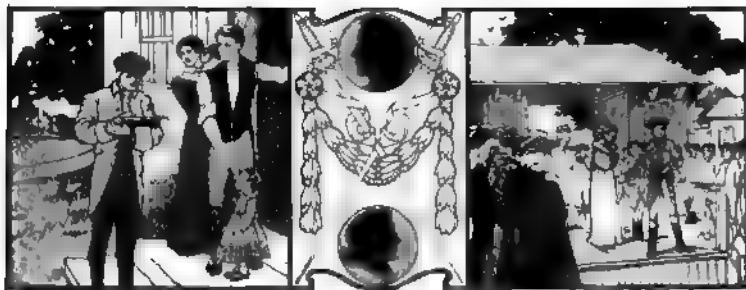
Hamilton's
Report on
Manufactures

December 5

At the first session of the second congress, Hamilton put the finishing touch to his financial policy by sending to congress his report on manufactures, the most elaborate and, in some respects, the most important of all his reports. It set forth the existing status of American manufactures and urged that they be fostered and developed; it has been called "the strongest presentation of the case for protection which has been made by any American statesman." On the twenty-third of January, 1792, it was put on the calendar for consideration by the committee of the whole house on the thirtieth, but it appears that no further action was taken upon it. In the

opinion of Senator Lodge, Hamilton hardly looked for immediate results from this report; he "knew that progress would be deliberate and growth slow in this direction. But he wished to sow the seed, to prepare the way and lay down the lines to be followed, and so much he did."





C H A P T E R I V
THE EMERGENCE OF PARTIES

The First Census

At its second session, the first congress authorized the first federal census. The enumeration showed that the total population of the republic was 3,929,214. Of the states, Virginia stood first with 747,610; Pennsylvania second with 434,373; and North Carolina third

New-York, April 24.
Yesterday afternoon, about 3 o'clock, arrived in this City, amid the acclamations of a great body of Citizens, His Excellency the President of the United States. — The Particulars will be given in to-morrow's paper.
On the evening His Excellency takes his seat at the head of the government of the United States, there will be the most brilliant exhibition of FIRE WORKS ever exhibited in this city, now preparing, under the superintendence of Col. Bauman, commander of the city regiment of artillery.

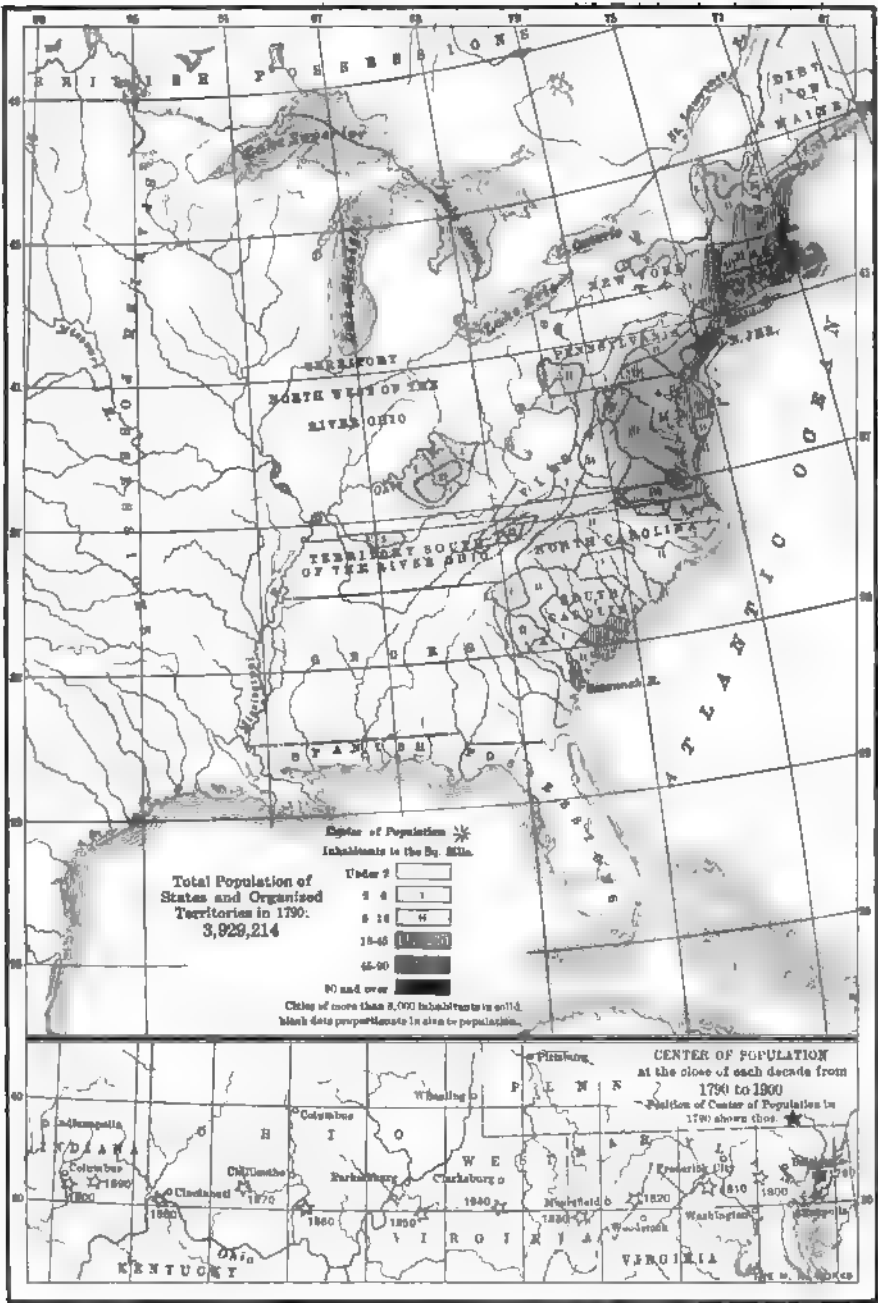
Announcement of Washington's Arrival in New York, from the New York Gazette, April 24, 1789

6,866. The center of population was across Chesapeake Bay from Baltimore, at the beginning of its remarkable movement westward closely following the thirty-ninth parallel. There were 697,696 slaves of whom only 40,360

with 393,751; Rhode Island stood last with 68,825, fewer than the territory of Vermont which had 85,425, or the territory of Kentucky which had 73,677. The population west of the mountains was only 109,368, and that north of Mason and Dixon's line and the Ohio River exceeded that south of them by only

For Sale,
A Lively, Healthy, Young
NEGRO WENCH,
BETWEEN fifteen and sixteen Years old :
She has been used to the Farming Business. Sold for want of Employ.—Enquire at No. 81, William-Street.
New-York, March 30, 1789.

A Slave Advertisement, from the New York Gazette, April 24, 1789



MAP SHOWING DISTRIBUTION AND CENTER OF POPULATION IN 1790
(Based upon map in Fifth Census of the United States)

1 7 8 9
1 7 9 1

Antislavery
Agitators

April 24,
1789

NEW-YORK, April

Yesterday arrived the illustrious General Washington, President of the United States, under the joyful acclamations of every party and every description of citizens.

On this great occasion, the land of industry was suspended, and the various pleasures of the capital, were concentrated to a single enjoyment.—Every mind was filled with one idea, and every heart swelled with one emotion. Absorbed and agitated by the sentiments which our adored leader and ruler inspired, the printer abandoned his pen, the merchant his counting-house, the various scenes of splendor which this event exhibited. The eye could not have with freedom traversed the various parts of this scene. One great object engaged the eye, and Washington arrested and fixed his gaze.

The President was received at Elizabeth-Town, by a deputation of three Senators, five Representatives of the Congress of the United States, and three officers of the State and Corporation; with whom he embarked in the barge, built for the purpose of conveying his excellency across the bay, and rowed by thirty-two pilots of this harbor, dressed in white uniforms; Thomas Randall, Esq. acting as coxswain.

No language can paint the beautiful display made on his excellency's approach to the city. The shores were crowded with a vast concourse of citizens, waiting with anxious expectancy his arrival.—His Catholic Majesty's ship of war the *Galeon*, (Dr. Dohrman's) ship North-Carolina, and the other vessels in port, were dressed and decorated in the most superb manner.—His excellency's barge was accompanied by the barge of the Hon. Gen. Knox, and a great number of vessels and boats from Jersey and New-York, in his train.—As he passed the Garvion, he received a salute of thirteen guns, and was welcomed by an equal number from the battery.

The whole water scene was animated and moving beyond description. The grand gala formed an object the most interesting imaginable.

On his excellency's arrival at the stairs, prepared and ornamented, at Murray's wharf, for his landing, he was received and congratulated by his excellency, the Governor of this State, and the officers of the State and Corporation, and the following procession was formed. First, Col. Lewis, accompanied by two officers, and followed by the troops of dragoons, commanded by Capt. Staker.—The German grenadiers, headed by Capt. Scribner.—Infantry of the brigade, under the command of captains Swartwout and Seddick.—Grenadiers, under Capt. Harris.—Col. Bauman, at the head of the regiment of artillery.—Gen. Malcolm and aids.—Officers of the militia.—Committee of Congress.—The President's suite.—Officers of the City.—Mayor and Aldermen of New-York.—The French and Spanish Ambassadors, in their carriages.—The whole order followed by an amazing concourse of citizens.

The procession advanced through Queen Street to the hall fitted up for the reception of his Excellency, where it terminated. After which, he was conducted to the house of Governor Clinton, where his Excellency dined.—In the evening the hall and the chambers were brilliantly illuminated.

Paragraph from *The Daily Advertiser*, April 24, 1789, announcing the Arrival of Washington at New York

were in the states north of the line just referred to. Only three and four-tenths per cent. of all the inhabitants resided in cities of eight thousand or more. There were six such cities with a total population of 131,472.

At the beginning of the new national government, slavery had a nominal existence in every state except Massachusetts. When Washington came to New York as the president-elect, one column of the *Gazette* contained an announcement of his arrival and another column bore an advertisement offering for sale "a likely, healthy, young negro wench, between fifteen and sixteen years old." In less than a month, two runaway negroes were seized in Boston and sent back to slavery—a quick use of the slaveholder's privilege under the constitution of the United States.

1780 sea, ought to be holden by law, to serve any person, as a
 1790 servant, slave or apprentice, after he arrives to the age
 of twenty-one years, nor female in like manner, after
 she arrives to the age of eighteen years, unless they
 are bound by their own consent, after they arrive to
 such age, or bound by law, for the payment of debts,
 damages, fines, costs, or the like." In Massachusetts,
 the constitution of 1780 declared that "all men are born
 free and equal" and, on the strength of this clause,
 the state courts held that slavery was unconstitutional.
 The New Hampshire constitution of 1784 declared that
 "all men are born equally free and independent" and
 this clause resulted in the extinction of slavery in that
 state. In 1790, however, the census enumerated one
 hundred and fifty-eight slaves in New Hampshire and
 sixteen in Vermont, Massachusetts being the only state
 in which there were none. In 1780, Pennsylvania,
 through Quaker influence, adopted a system of gradual
 emancipation; Connecticut and Rhode Island followed
 her example in 1784. Three years later came the
 ordinance of 1787. Even in the South, and especially
 in Virginia, there was at this time considerable antislavery
 sentiment, though the institution was too firmly intrenched
 for actual abolition to carry the day.

The Elastic
 Conscience

In the first session of the first federal congress, Parker
 of Virginia moved in the house that an import duty be
 levied on slaves, but members from South Carolina and
 Georgia poured forth such angry tirades and members
 from New York and New England were so lukewarm
 that the motion was withdrawn. Northern members
 wanted southern votes for protective duties and the
 assumption of state debts, and the stream of eloquence
 that had flowed strong on rum and molasses was checked
 by an attempt to discourage the infamous traffic. The
 matter was silently dropped and no tax on the slave-trade
 was ever laid.

Antislavery
 Memorials in
 Congress

But the ghost would not down. On the eleventh of
 February, 1790, certain Quaker memorials adopted in
 1789 at the yearly meetings in Philadelphia and New

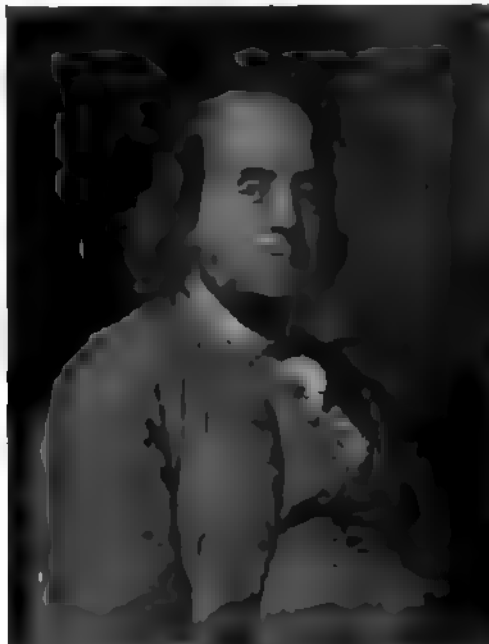
York and "praying the attention of Congress in adopting measures for the abolition of the Slave Trade; and, in particular, in restraining vessels from being entered and cleared out for the purpose of that trade" were presented to the house of representatives. The next day came a similar memorial from the Pennsylvania Society for Promoting the Abolition of Slavery, signed by Benjamin Franklin as president.

1790
February 11

The memorials provoked a discussion the bitterness and vulgarity of which exceeded anything of the kind that congress had yet heard. Jackson of Georgia and Smith of South Carolina used violent language and in

unmeasured terms abused the Quakers as enemies of freedom and as spies and guides of the British armies during the late war. The names of the signers of the memorial were called over and their characters painted black upon the floor of the house. Even Franklin, then upon his death-bed, did not escape. Efforts were made to prevent even the reference of the

resolutions to a committee, but they failed. On the fifth of March, the committee reported a series of seven resolutions, of which three denied the right of congress, in certain instances, to interfere with slavery, three affirmed the right of congress to tax and regulate the slave-trade,



Benjamin Franklin

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1790 while the seventh provided that "the memorialists be informed, that in all cases to which the authority of Congress extends, they will exercise it for the humane objects of the memorialists, so far as they can be promoted on the principles of justice, humanity, and good policy." On the twenty-third of March, the report of the special committee was considered in committee of the whole house. By this time, the delegates from North Carolina had arrived. With the aid of their votes, the seventh resolution was stricken out, as was the fourth which asserted the right of congress to lay a tax not exceeding ten dollars on each slave imported. Other amendments were ordered, after which, by a vote of twenty-nine to twenty-five, the report was ordered to be printed in the journal and to lie on the table. The matter as finally agreed to was in the following form:

1. That the migration or importation of such persons as any of the states now existing shall think proper to admit, cannot be prohibited by Congress prior to the year 1808.
2. That Congress have no power to interfere in the emancipation of slaves, or in the treatment of them within any of the states, it remaining with the several states alone to provide any regulations therein which humanity and true policy may require.
3. That Congress have authority to restrain the citizens of the United States from carrying on the African trade for the purpose of supplying foreigners with slaves, and of providing by proper regulations, for the humane treatment during their passage of slaves imported by the said citizens into the states admitting such importation.
4. That Congress have also authority to prohibit foreigners from fitting out vessels in any port of the United States for transporting persons from Africa to any foreign port.

Of course, these resolutions were more acceptable and soothing to the proslavery extremists than they were to the memorialists. We have no full record of the debates and votes, but the result could not have been obtained without the aid of northern members. The principles of the report of the committee of the whole typifies congressional action on the slavery question for many years.

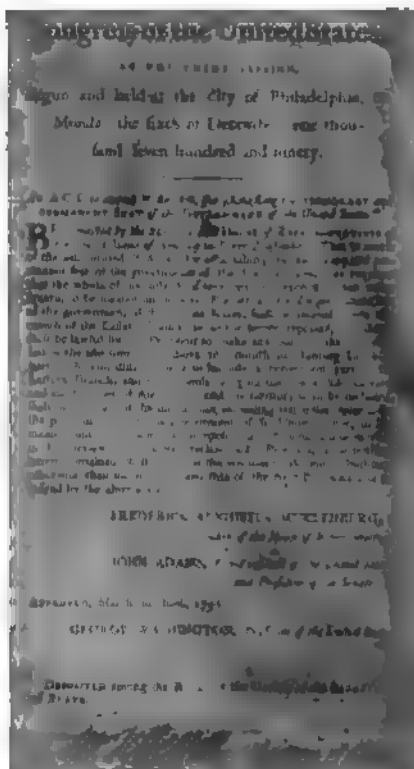
Two New
States and a
New Territory

Among the other acts passed by the first congress are an act defining crimes against the United States and fixing the punishment therefor, a naturalization act, a copyright act, and a patent act. When North Carolina came into the Union she ceded the territory that is now the state of Tennessee on condition that "no regulations made or to be made by Congress shall tend to emancipate slaves" held there. Congress accepted the territory with

April 2

the accompanying conditions, and organized it, with the twelve-mile strip ceded by South Carolina, as "The Territory Southwest of the Ohio River." The new Southwest territory was to be governed as the Northwest territory was, except that slavery was to be permitted. Other acts provided for the admission of Kentucky and Vermont into the Union. On the fourth of March, 1791, Vermont came into the sisterhood of states, the first addition to the original thirteen. Her free constitution, adopted in 1777, had been slightly amended in 1785. On the first of June, 1792, Kentucky was formally admitted "as a new and entire member of the United States of America" and under a slave constitution framed at Danville by a convention that completed its labors on the nineteenth of April of that year. Mr. Schouler remarks that "the first Congress with all its practical statesmanship could boast little tenderness of conscience touching human rights or a broad apprehension of the dangerous antagonisms it fostered for the sake of present harmony." The time was not yet ripe for parties to divide on the slavery question.

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Act permitting the Formation of Kentucky as a State

The adoption of the constitution had destroyed the significance of the old division into Federalists and Anti-federalists. Many of the latter at once accepted the new

May 26, 1790

February, 1791

Political Alignment

1790 system, and all possibility of successful activity on the
 1791 part of those who remained hostile soon came to an end.

Not very successful efforts have been made to trace the parties that now developed back to the parties that favored and opposed the constitution, to the Whigs and Tories, and to the factions existing at the time of the Conway cabal. With better reason, John Adams said that the new parties had their origin in human nature. The antagonistic tendencies that characterized them were most prominently exemplified in two members of Washington's first cabinet—the men who were the founders of the two new parties.

Thomas
 Jefferson

Jefferson had sailed from France in October and, on the twenty-third of December, was welcomed by his slaves at Monticello. He had returned for a visit of a few months only and expected to go back to watch the



Jefferson's Seal

progress of the French revolution in which he was deeply interested. He was not wholly pleased to receive, on his arrival, Washington's invitation to become his secretary of state to which office he had been appointed in September. He accepted his portfolio only after the earnest solicitation of the president. His residence in Europe had left

undiminished his hatred of monarchical rule and had intensified his enthusiasm for popular liberty. "His faith in the laxest form of democracy, scarcely removed from anarchy, stood to him in the place of a religion; he preached it with a fervor, intensity, and constancy worthy of Mahomet or Wesley." He was opposed to a strong central government and could hardly even "bring himself to declare that the people should govern, because he had a lurking notion that there should be no government at all." A philosopher and experimentalist, he was opposed to imitating European forms, for this, he believed, would tend to class rule. Equal rights for all, special

privileges for none was his ideal political platform. "It is indeed an animating thought," he wrote in 1790, "that while we are securing the rights of ourselves and our posterity, we are pointing out the way to struggling nations who wish like us to emerge from their tyrannies also. Heaven help their struggles, and lead them, as it has done us, triumphantly through them."

As Jefferson was the democrat par excellence, so Alexander Hamilton was an aristocrat. Unlike Jefferson, he was greater as a practical statesman than as a theorist, and he regarded the British system as the best model for America to imitate. A believer in monarchy and rule by the upper classes, he had accepted and supported the constitution because it seemed to be the best system then attainable. A consummate advocate, he was now doing his best to make the constitution a success, though in private he expressed some doubts as to the issue. He desired a strong national government and would have liked to break up the states, which he believed to be an obstacle to progress, into smaller districts. "The ideal of Hamilton was the hive, the ideal of Jefferson was the bee. To the former, the state was everything; to the latter, the divine nature of man."

Jefferson thoroughly disliked the vice-president and had a still stronger aversion to the secretary of the treasury. He had scarcely taken his seat in the cabinet before he thought he saw the beginnings of a conspiracy to establish the system that he hated. Nearly thirty years later, he wrote: "The President received me cordially, and my colleagues and the whole circle of principle citizens apparently with welcome. The courtesies of both political parties, given me as a stranger newly arrived among them, placed me at once in their familiar society. But I cannot describe the wonder and mortification with which the table conversations filled me. Politics were the chief topic, and a preference of kingly over republican government was evidently the favorite sentiment. An apostate I could not be, nor yet a hypocrite; and I found myself, for the most part, the only advocate on the republican

1 7 9 0
1 7 9 1

Alexander
Hamilton

Thirty Years
After

1 7 9 0 side of the question, unless among the guests there chanced
 1 7 9 2 to be some member of that party from the legislative
 houses."

Was it an
 Old Man's
 Dream?

In his life of Jefferson, Morse says that "these sentences linger in that debatable land, somewhere in which exaggeration passes into falsehood. Evidently, in looking down the long vista of nearly thirty years, Jefferson's vision was indistinct. If he had really been plunged into such a chilling bath of monarchy at once upon his arrival in New York, he would have cried out promptly at the sudden shock, and left contemporaneous evidence of it; whereas, in fact, some time elapsed before he began to give perceptible symptoms of distress at the unsound political faith about him." For example, he worked side by side with Hamilton in bringing about the assumption of state debts and fixing the location of the federal capital. Into this, he later complained to Washington, "I was duped by the secretary of the treasury, and made a tool for forwarding his schemes, not then sufficiently understood by me; and of all the errors of my political life this has occasioned me the deepest regret."

Motive

Jefferson's charges have been looked upon by some as pure inventions or as figments of a disordered imagination. He was undoubtedly wrong in supposing that there was an actual monarchical conspiracy; he was undoubtedly right in thinking that if Hamilton and those who followed him had control of the government the tendency would be toward aristocracy or even toward monarchy. Such a drift would have been natural. Jefferson assures us that Washington told him that there might be desires for a change but that he did not believe there were designs. No doubt he honestly believed that the Hamilton clique was engaged in treasonable intrigues; what is of more importance, he induced others to believe it. For years, his talk was of "monarchists" and "monocrats." His very earnestness carries conviction of his sincerity. Believing this, he naturally opposed the measures of the secretary of the treasury. When Hamilton's friends and supporters were growing rich through the speculation

made possible by assumption and the funding of the debt, Jefferson was scandalized and alarmed, for he "saw the supporters of Hamiltonian measures reaping a great harvest of wealth and consequently of political power and social consideration." In the national bank, which he opposed both on constitutional grounds and on those of expediency, he saw "only a prolific machine for turning out more corrupt supporters of that dangerous and designing monarchist, the secretary of the treasury." He feared that Hamilton, through his power of patronage and of dispensing favors, might build up in congress "a corrupt squadron" that would enable him to control the government, for he believed, then and to the end, that "Hamilton was not only a monarchist, but for a monarchy bottomed on corruption."

Jefferson quietly prepared himself for combat. He saw that though Hamilton had power and popularity there was much unorganized opposition to him. This opposition consisted chiefly of advocates of the rights of the states and believers in the rights of man. "Conversations with 'old friends,' private letters well seasoned with political counsel, the mildest but the most indefatigable pulling of wires, advice that was never too much forced or obtruded, gradually compacted a party in opposition to the government of which he was a minister. . . . Accessible and genial in a private circle, Jefferson acquired an influence by the strangest method that has ever been practised in public life. In the peculiar circumstances that now began to develop, he was an unmatched party leader. Timid, but untiring; ingenious, subterranean and resourceful, he played his game unaffected by the hatred, suspicion and contempt of his immediate associates; and in the end he won it by a strange mixture of virtues and vices, of tenacity and cunning, by a wonderful knowledge of the less admirable emotions of men, and by an unwavering confidence in their importance under any system of popular government."

At the end of the first congress, Jefferson and Madison took a vacation trip to the borders of Canada; there-

Action

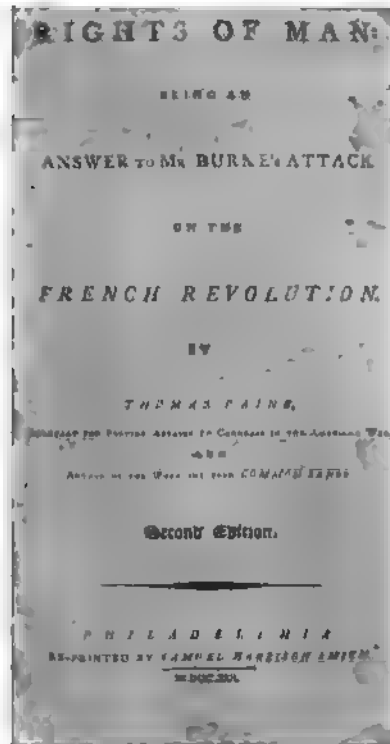
An Able
Lieutenant

I 7 9 0
I 7 9 2

1791 after they were intimate political and personal friends. "Though ostensibly bent on studying rocks and trees, and declining all public demonstrations as they hurried through New York and Albany, it would not be strange,

nevertheless, if opportunity occurred for founding a good understanding with Clinton and Livingston."

In the same year, circumstances brought Jefferson into conflict with the vice-president. Not being heavily burdened with official duties, Adams had written and published his *Discourses on Davila*, a work intended to counteract the idea of complete equality and the rights of man to which the French revolution had given an impetus in America. The book was severely criticised and Adams was denounced as an aristocrat and a "monocrat." In the following year, Thomas Paine's *Rights of Man* was published in England



Title-page of Paine's *Rights of Man*

and a copy was forwarded to Jefferson with the request that, after reading it, he would send it to a Mr. J. B. Smith who had asked it for his brother to reprint. "Being an utter stranger to J. B. Smith, both by sight & character," says Jefferson, "I wrote a note to explain to him why I (a stranger to him) sent him a pamphlet; . . . & to take off a little of the dryness of the note, I added that I was glad to find it was to be reprinted, that something would at length be publicly said against the political heresies which had lately sprung up among us." To

A Stab in
the Dark

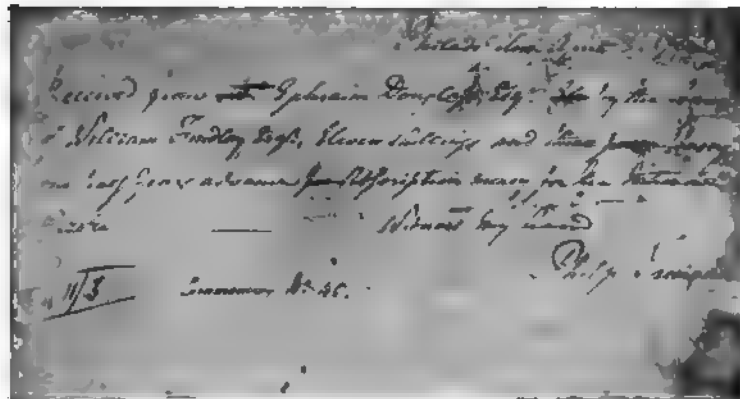
1790

THE "COLUMN"

LETTER SIGNED A. A.

(From original in the New York Public Library, Lenox Building.)

Jefferson's astonishment, the printer published the letter as a preface. Soon there appeared a series of papers in reply, signed "Publicola" and written in a style so similar to that of *The Discourses on Davila* that the public believed them to be by the same hand. Jefferson wrote to Adams, deprecating any quarrel and referring with special animosity to the mischief-making "Publicola." Unfortunately, "Publicola" was John Quincy Adams, the son of the vice-president. "Such were some of the perils of this darkling habit of anonymous newspaper writing. Isaac had actually been made a peace offering to Abraham."



Philip Freneau's Receipt for a Subscription to his Paper

The Jeffersonian party soon felt the need of newspaper support. Most of the papers then published were friendly to the Federalists, and the *United States Gazette*, whose editor, John Fenno, had followed the government from New York to Philadelphia, served as the Hamiltonian organ. Henry Lee, Madison, and Aaron Burr, one of the senators from New York, set themselves to supply the deficiency. Philip Freneau, who had been their fellow student at Princeton, had intended to set up a paper in New Jersey. He was induced to change his plans and to come to Philadelphia where Jefferson appointed him translating clerk in the department of state at a salary of two hundred and fifty dollars a year.

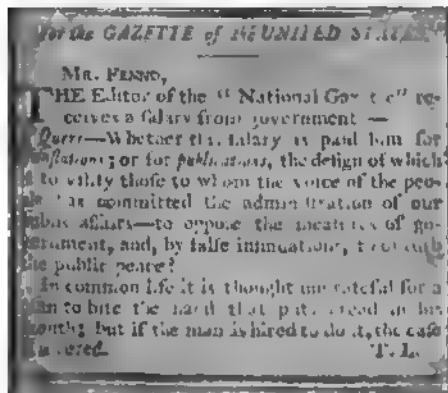
Philip
Freneau

October 26,
1791

1 7 9 1 This work did not require much of his time and he soon
 1 7 9 2 made his bow to the public as editor of the *National Gazette*, "probably the most biting critic of public men and policies then existing in the United States. In poetry and in prose, with satire and with invective, he penetrated every weak point in the armor of the Federalists." His favorite target was the secretary of the treasury, but he let fly some arrows at Washington's monarchical ways

and at the court splendor that Mrs. Washington affected.

The Pay of
the Printers



Hamilton's Letter in Fenno's *Gazette*

Hamilton and his supporters soon began to wince under Freneau's attacks. Jefferson was criticised as Freneau's patron and protector and accused of insidiously furnishing him with inspiration and material.

July, 1792

Finally, Hamilton himself took part in the fray. Over the signature of "T. L.," he published in Fenno's *Gazette* a short letter in which he charged that Jefferson gave employment to Freneau in order that the latter might better abuse the government. In August, he followed up the attack by bitterly assailing Jefferson for retaining office and still continuing his connection with the obnoxious editor and even charged him with disloyalty to the administration and the constitution. Jefferson was absent from the capital when the articles appeared, but Freneau hit back by hinting that the government printing that was given to Fenno was a bigger bonus than his own paltry salary. He also printed an affidavit in which he said that he had had no negotiations with Jefferson regarding the establishment of the paper and that the secretary had never exercised the least control over it or written or dictated a line for it. Once in the field, Hamilton had "to lay

about him among a throng of small assailants, for whose destruction he cared little, while Jefferson himself, with exasperating caution, declined to be drawn into the furious arena."

The controversy was very annoying to Washington who, in August, wrote from Mount Vernon to the secretaries a personal appeal for concord. In a brief reply, Hamilton endeavored to justify his conduct and, though saying that he was compelled to fight the present conflict through to the end, promised not to become involved in another. In a lengthy and elaborate argument, Jefferson defended himself and his party and arraigned the Federalists. He admitted that in private conversations he had disapproved of Hamilton's course because he believed that it was calculated to undermine and destroy the republic by creating an undue influence over the legislature. He developed further his theory of a "corrupt squadron" and complained that Hamilton meddled in the management of foreign affairs. Referring to the Freneau matter, he said: "I have never inquired what number of sons, relatives, and friends of senators, representatives, printers, or other useful partisans, Colonel

FOR THE GAZETTE OF THE UNITED STATES.

TO THE PUBLIC.

A Writer in the Gazette of the United States of last Saturday, signed "AN AMERICAN," has attempted to circulate the reputation of the Secretary of State, during his absence in Virginia, by several malicious insinuations, which it is in my power to contradict. To obviate the improper impressions which are the object of that publication to make, as far as respectfully supposed connexion with the National Gazette, the following Affidavit is published. The motives that this writer or his party have in view in propagating calumnies at this time, need no explanation; they are sufficiently obvious.

Personally appeared before me, Matthew Clarkson, Mayor of the City of Philadelphia—Philip Freneau, of the City of Philadelphia, and being duly sworn, both depose and say, that no negotiation was ever opened with any of Thomas Jefferson, Secretary of State, for the establishment or institution of the National Gazette; that the deponent's coming to the City of Philadelphia, as publisher of a Newspaper, was at no time urged, advised, or influenced by the above officer, but that it was his own voluntary act; and that the said Gazette, nor the said officer, was ever either attacked, controuled, or attempted to be influenced, in any manner, either by the Secretary of State, or any of his friends, nor was a line ever, directly or indirectly, written, dictated, or composed for it by that officer, but that the Editor has exercised his own judgment alone in the conducting of it—free—unfettered—and uninfluenced.

PHILIP FRENEAU.

Sworn the 6th August, 1798, before

MATTHEW CLARKSON, Mayor.

Affidavit by Philip Freneau

Washington's Intervention

1 7 9 2 Hamilton has provided for among the hundred clerks of his department, the thousand excisemen at his nod, and spread over the Union; nor could ever have imagined that the man who has the shuffling of millions backwards and forwards from paper into money, and money into paper, from Europe to America, and America to Europe; the dealing out of treasury secrets among his friends in what time and measure he pleases; and who never slips an occasion of making friends with his means,— that such an one, I say, would have brought forward a charge against me for having appointed the poet Freneau a translating clerk to my office, with a salary of 250 dollars a year. . . . I can protest, in the presence of Heaven, that I never did, by myself or any other, say a syllable, nor attempt any kind of influence. I can further protest, in the same awful Presence, that I never did, by myself or any other, directly or indirectly, write, dictate, or procure any one sentence or sentiment to be inserted *in his or any other gazette* to which my name was not affixed, or that of my office.” Both of the secretaries suggested that they resign, but Washington refused to consider such a solution and, for a time, there was an armed truce.

Hamilton
Loses
Popularity

There were signs that Hamilton’s influence and popularity were beginning to wane. Early in 1792, a severe financial crisis caused by insane speculation in United States bonds, bank stock, and other securities had brought ruin to many. Hamilton had observed the speculation with dismay and had even written letters of warning designed to stop the madness, but he was accused of having been, in some mysterious way, responsible for the panic. The defeat of Major-general Saint Clair by the northwestern Indians, which will be described in detail in another chapter, gave further opportunity for criticising the administration and Hamilton was arraigned as being responsible for the disaster.

Party Names

By this time, the opposition called themselves “Republicans,” by which name they intended to signify their loyalty to the constitution and to popular rights. Some of them soon began to describe themselves as Democratic-

Republicans and later as Democrats. By their opponents they were called Anti-federalists, but neither the Anti-federalists of this period nor their opponents, the Federalists, are to be confused with the parties that went by these names during the struggle over the adoption of the constitution. The new Anti-federalist party probably contained a majority of the old party of that name, but it also contained James Madison and many others who had been supporters of the constitution. On the other hand, some of the old Anti-federalists, such as Patrick Henry, became Federalists. In like manner, it should be remembered that the Republican party that elected Abraham Lincoln in 1860 is not the original party of that name.

In the election of the second congress, the new party lines had not been closely drawn as they were in the more important election of two years later. By 1792, the Republican party had become so strong that the Federalists felt anxiety as to the result. Washington had frequently expressed a desire not to serve another term and the Federalists feared that no other man whom they could put up could win. But, through the influence of his friends including Jefferson and Madison themselves, Washington reconsidered his determination. The Republicans gave him their support and the electoral vote for him was again unanimous. For vice-president the Republicans brought forward George Clinton as a candidate against John Adams; Adams was reelected by seventy-seven electoral votes to Clinton's fifty. The Republicans, however, elected a majority of the members of the house of representatives. It was the beginning of the end for the Federalists.

The Election
of 1792





C H A P T E R V

G E N E T A N D N E U T R A L I T Y

A Friendly
Delusion

HITHERTO Washington and his advisers had devoted most of their attention to the internal affairs of the country and to getting the new governmental system into good working order. But the time was at hand when the relations of the United States with foreign powers was to involve burning questions and require skilful management to keep the young republic out of the dangerous whirlpool of war created by the French revolution, the progress of which had been watched with great interest. "Every one felt that France was now to gain all the blessing of free government with which America was familiar. Our glorious example, it was clear, was destined to change the world, and monarchies and despotisms were to disappear." In their gratitude and sympathy, Americans forgot the inherent differences between French and English temperaments; "the dusty tramp of liberty's columns through the streets of Paris seemed part of the world's procession for human rights."

Sympathy and
Enthusiasm

December,
1792

When that revolution became more violent, the unanimity of American applause was broken. But the residual enthusiasm was great and, when news came that Austrian and Prussian troops had invaded France for the purpose of restoring Louis XVI. to his old authority, sympathy with France rose to fever heat. When came tidings that the allies had been driven back at Valmy and that the convention had proclaimed a French republic, the rejoicing was tremendous. At Philadelphia,

church bells were rung, shops were shut, and the people
 "hastened into the streets to talk of nothing but Dumour-
 1 7 9 2
 1 7 9 3
 iez and Thomas Paine and the great French victories.
 When night came the inns and taverns were full of tipsy
 revellers singing and shouting and drinking toasts" and
 a few jolly gentlemen who knew a little French sang
 "Ça Ira." At New York, a whole day was given over
 to feasting, ringing of bells, and firing of cannons; at
 Boston the birth of the new republic and the expulsion
 of her invaders were celebrated with a grand "civic
 feast." Men and women seemed to have gone mad with
 enthusiasm. Almost every house had its liberty cap;
 almost every hat bore a cockade. As titles of respect,
 "Mr." and "The Honourable" were temporarily laid
 upon the shelf as relics of aristocracy, and men addressed
 their neighbors as "Citizen" this and that. There were
 some who scoffed at such behavior, but the craze swept
 over the country like a pestilence. Von Holst says that
 "the more attentively the legislators of France listened
 to Danton's voice of thunder and Marat's fierce
 cry for blood, the more boldly did demagogism
 in its most repulsive form rage in the United
 States."

For three months, not a vessel
 from England or France entered
 New York harbor and rumors
 that came by the way of Louisi-
 ana and the West Indies was the
 nearest approach to European
 tidings. Early in April, a British
 packet arrived with startling news

Blasphemy's loud scream
 With that sweet music of deliverance strove,
 And all the fierce and drunken passions wove
 A dance more wild than e'er was maniac's dream.

The king who had sent us aid
 had been tried and guillotined,
 the much loved Lafayette had
 been forced to flee, and England
 and Spain had joined in the



Louis XVI.

1793 struggle against France. The Republicans at once declared for America's late ally and the extremists became more violent than ever. The Federalists were much inclined to support England and thoughtful men of both parties saw great danger in the situation.

Washington
Hastens to
the Front

April 18

Washington at once hastened from Mount Vernon to Philadelphia to wrestle with his difficult problem. By the treaties of 1778 the United States was bound to give the privileges of its ports to prizes captured by French privateers and to forbid such privileges to any nation at war with France, while each of the contracting powers guaranteed the American possessions of the other. Neither of the treaties had been abrogated; if the United States observed their terms, she would certainly be drawn into the war. On the day after his arrival, Washington sent to the members of his cabinet a set of thirteen questions concerning the proper attitude of the government in the crisis. Among them were the following: "Shall a proclamation issue for the purpose of preventing interferences of the citizens of the United States in the war between Great Britain &c.?" "Shall it contain a declaration of neutrality or not?" "What shall it contain?" "Shall a minister from the Republic of France be received?" "Are the United States obliged by good faith to consider the treaties heretofore made with France as applying to the present situation of the parties? May they either renounce them, or hold them suspended till the government of France shall be *established*?" "If they have an option, would it be a breach of neutrality to consider the treaties still in operation?" "Does the war in which France is engaged appear to be offensive or defensive on her part? Or of a mixed character?" "If of a mixed and equivocal character, does the guarantee in any event apply to such a war?"

Washington's
Foreign Policy

These questions had been drawn up by Hamilton whose sympathies were with England. From their tenor it is easy to see that he was anxious to find a loophole by which the United States might avoid the obligations of the treaty. Washington and Jefferson also were

anxious to keep the United States out of the conflict, although Jefferson was willing to aid France as far as was possible without being drawn into the war. Washington had long been of the opinion that the proper policy for the United States was to hold aloof from the affairs of the Old World. Even before he became president he had written to Sir Edward Newenham: "I hope the United States of America will be able to keep disengaged from the labyrinth of European politics and wars; and that before long they will, by the adoption of a good national government, have become respectable in the eyes of the world, so that none of those who hold possessions in the New World or the West Indies, shall presume to treat them with insult or contempt. It should be the policy of the United States to administer to their wants without being engaged in their quarrels. And it is not in the power of the proudest and most polite people on earth to prevent us from becoming a great, respectable, and a commercial nation if we shall continue united and faithful to ourselves."

In the cabinet meeting held on the nineteenth, sentiment was divided, Hamilton and Knox manifesting British sympathies while Jefferson and Randolph inclined the other way. All agreed that a proclamation of neutrality should be issued and that a French minister should be received, but there was a difference of opinion as to how he should be received; Hamilton and Knox favored reservation and qualification. As to the treaties, Hamilton held that, as they had been made with the French king and as the king had been overthrown, they were not binding. Both he and Knox argued that the subject should be reserved for future consideration and that the minister, when he arrived, should be so informed "lest silence on the point should occasion misconstruction."

The proclamation was drawn by Randolph and issued under date of the twenty-second of April. It did not contain the word "neutrality," but it warned citizens of the United States to abstain from acts of hostility toward any of the warring powers. The document was unsatis-

The Status of
the Minister
from France

The
Proclamation

1 7 9 3 factory to Jefferson who, in letters to his friends, objected to it on the ground that, as the right to declare peace and war was reserved to congress, the executive had no power to settle the matter without consulting the legislature. In eight newspaper articles printed over the signature of "Pacificus," Hamilton vigorously defended the proclamation against Republican criticisms. His work was so effective that Jefferson wrote to Madison: "For God's sake, my dear Sir, take up your pen, select the most striking heresies, and cut him to pieces in the face of the public." Madison did his best in five letters signed "Helvidius," but admitted that the task was "the most grating one I have ever experienced."

July 7

August-
September

Genet

April 8



E. C. Genet

Even before the proclamation was issued, a minister from the new republic had landed at Charleston from the French frigate "l'Embuscade." Citizen Edmond Charles Genet although not yet thirty years of age had had considerable diplomatic experience. His revolutionary enthusiasm was, however, so violent as to outweigh his discretion; in the previous year he had been forced to leave Saint Petersburg where he was chargé d'affaires. The Empress Catherine had dubbed him "a rabid demagogue;" his

behavior in America did much to justify the title. He had scarcely landed and had not presented his credentials when he ordered each French consul in the United States to act as a court of admiralty for the trial of prizes brought in by French cruisers, and issued letters of marque and reprisal a large number of which he had brought with him in blank. He soon bought, armed, and equipped four privateers; manned them with American crews, and sent them out to capture British vessels. He also planned expeditions of American adventurers from Georgia and the Carolinas for attacks upon Florida and Louisiana. The local authorities did not interfere with this work. Governor Moultrie and the mass of the people, "the true friends of liberty," were strongly in sympathy with France, but many of "the rich planters and merchants, the backbone of the Federalist faction, held back."

After a ten days' stay at Charleston, Genet set out for Philadelphia. Instead of following the route along the coast where the large planters were in control, he took the interior route that led through a region settled with small farmers who were generally Republican in sympathy. Everywhere he was greeted with enthusiasm. "The good American farmers," he wrote home, "have received me in their arms and under their modest roofs have offered me much grain and flour. I have in my hands offers of more than six hundred thousand barrels." At Philadelphia, notice of his approach was given by men mounted on swift horses and notice of his arrival by the firing of three guns by the frigate "l'Embuscade" which had taken several prizes on her way from Charleston to the national capital. At the sound of the signal-guns, citizens gathered by thousands at the state-house and thence marched to Gray's Ferry to receive the minister from France. On the seventeenth, Genet listened to florid addresses from French Republicans, German Republicans, and the Philadelphians.

The enthusiasm of his welcome misled Genet as to the actual situation. He looked upon the civic fêtes given in his honor and the congratulatory addresses with which

1793

Genet at
Philadelphia

May 18

May 16

Genet's
Mistake

1 7 9 3 he was overwhelmed as the reply of the people to the neutrality proclamation. He was much angered by the formal reception given him by Washington and more especially because in the president's parlor were "certain medallions of Capet and his family." He reported to his government that the aristocrats were maneuvering against him and that "the old Washington, who differs greatly from the man whom history has celebrated, cannot pardon my success and the eagerness with which the City rushed to me at the moment when a handful of English merchants were thanking him for his proclamation." He got the idea that through the people and the congress he could override the president and bring the United States into the arms of France. His conduct at Charleston had already caused the government grave embarrassment. On the first of May, the British minister formally complained to Jefferson that guns and ammunition were being purchased and sent to France, that the French consul at Charleston had condemned as a prize a captured British vessel, that privateers had been fitted out at Charleston to prey on British commerce, and that the frigate, "l'Embuscade" had taken the "Grange," a British merchant vessel, within the Delaware capes. The "Grange" was restored, but new grievances rapidly accumulated.

Genet's
Precedent

In fitting out privateers, in enlisting volunteers, and even in his efforts to influence the action of the government by winning the favor of the people, Genet was simply following the precedents set by Silas Deane, Benjamin Franklin, and other American agents in France; their violation of the laws of neutrality were more positive than those on which Genet was now venturing. Moreover, he had an excuse that they did not have, for between his country and theirs there now existed a solemn treaty of alliance, sought by America, never abrogated, and to which the Americans, had they become involved in war, would have been quick to appeal. The twenty-second article of the treaty of commerce forbade either party to allow the enemies of the other to fit out privateers

in its ports, an implied right for France now to fit out privateers in American ports. With even greater force, Genet could argue that another article of the treaty gave to each contracting power the right to bring prizes into the other's ports and that this must include the right to condemn and to sell them. But Genet had little of Franklin's diplomatic tact. 1 7 9 3

Two million three hundred thousand dollars of the sum borrowed from France still remained unpaid and, though the money was not yet due, Genet urged that, in view of France's condition and out of gratitude, the Americans ought to pay the debt; as an inducement, he promised that every dollar of it should be spent in the United States for supplies to be sent to France or to Santo Domingo. Hamilton bluntly informed him that the United States had no money with which to pay the debt before it was due and that, even if it had, such payment would be construed by Great Britain as a violation of neutrality. Genet then proposed to assign the debt in payment for supplies, but Hamilton objected to this also. Genet also informed the state department that he had authority to conclude a new commercial treaty, "a true family compact," on a "liberal and fraternal basis." Jefferson gently pointed out that a treaty could not be concluded without the sanction of the senate and that the senate did not meet until late in the year. Genet's First Overtures

In the meantime, Genet had received from Ternant, his predecessor, a copy of the complaint made by the British minister. He assured Jefferson that he knew nothing about the purchase of arms, that he had ordered the "Grange" to be given up, and justified his conduct regarding privateers and prizes as being in accord with the provisions of the treaty, an interpretation that Washington and his cabinet refused to accept. Early in June, it was decided that although, in accordance with international practice, the government could not forbid France to license privateers, vessels thus commissioned must leave American waters and that the sale of prizes in American ports should be prevented. As examples, Official Caution and Republican Sympathy May 27

1 7 9 3 Henfield and Singletary, two Americans who had enlisted on "Le Citoyen Genet," were arrested and prosecuted and a privateer at New York was seized. The arrest of the two Americans threw Genet into a rage and intensified the anger of ardent Republicans. At Philadelphia, feeling ran so high that a riot seemed imminent and Vice-president Adams had muskets smuggled into his house. The spirit of violence passed away, but the Marseillaise was sung at a grand Republican feast and "the whole company with one accord arose, joined hands around the red cap, and shouted the last stanza till the ceiling rang."

The
Promptings
of Gratitude

As if to signify the sympathies and temper of the people, a Pennsylvania court discharged a libel brought by the British owners of a captured prize and a jury declared Henfield to be an innocent and much abused man. Many persons were puzzled by the idea that the United States should remain neutral in a struggle between two great powers one of which was associated in their minds with tyranny and all the miseries of eight years of war while to the other they felt themselves bound by the strongest ties of gratitude. They could not understand "on what principle of common justice or honor the generous friend was now placed on the same footing and treated with as little consideration as the ancient foe. . . . Why was the Government on a sudden so eager to protect and so afraid to offend a power which at that very moment insolently held the American posts upon the frontier, and forbade American merchants to trade at its ports?" The idea of neutrality was offensive to them and they "could not refrain from wearing the white cockade and wishing well to every power that hurled scorn in the face of England."

The Climax

It is impossible to say what would have been the outcome if Genet had had the skill of Benjamin Franklin. When a French man-of-war sent the "Little Sarah" as a prize to Philadelphia, Genet had the vessel rechristened "La Petite Democrate" and caused her to be secretly armed and fitted out with a design of sending her to close the mouth of the Mississippi and to assist an expe-

dition from Kentucky under George Rogers Clark in the conquest of Louisiana from Spain. Hamilton heard of these preparations and, in Washington's absence, the cabinet decided to inform Governor Mifflin of Pennsylvania that unless he detained the vessel the United States authorities would seize her. Mifflin sent Dallas, his secretary of state and a conspicuous Republican, to interview Genet who flew into a rage and threatened to appeal from Washington to the people. Hamilton and Knox were anxious to mount cannons and to sink the vessel if she attempted to go to sea, but Jefferson made a trial of persuasion on the French minister with whom he was more or less in sympathy. Genet again flew into a rage, but finally said that the vessel would not be ready to sail before Washington's return to Philadelphia, adding, however, that she would drop down the river to take on some stores. Jefferson considered this the equivalent of a promise that Genet would respect the wishes of the government, and the militia that Mifflin had called out was dismissed.

When Washington returned to Philadelphia and heard of Genet's threats, he was much aroused. "Is the minister of the French republic," he wrote to Jefferson, "to set the acts of this Government at defiance *with impunity*? And then threaten the executive with an appeal to the people? What must the world think of such conduct, and of the government of the United States in submitting to it?" When Genet allowed "La Petite Democrate" to sail and thus brought matters to a crisis, the cabinet decided that Gouverneur Morris, our minister to France, should ask for Genet's recall. Hamilton and Knox favored a peremptory demand and Knox would even have given Genet his passports, but the request was expressed with delicacy in deference to Jefferson's wishes in the matter. It was also decided to undertake "to effectuate the restoration of, or to make compensation for prizes, which shall have been made of any of the parties at war with France, subsequent to the 5th day of June last by privateers" fitted out in American ports. The French

1793

July 6

Washington
Becomes
Indignant

August 2

August 5

1793 minister was to be asked to restore such prizes; if he would not do so, the United States would indemnify the owners, "the indemnification to be reimbursed by the French nation."

Washington
Insulted

August 3

By this time, the country was in a ferment. In imitation of those of Paris, Jacobin clubs were formed especially in Pennsylvania and they attacked the government with great virulence, while Freneau in the *Gazette* and Bache in the *Aurora* sought to blacken the name of Washington. At a cabinet meeting held the day after it was decided to ask for Genet's recall, the subject of publishing the Genet correspondence was considered. Says Jefferson: "Knox, in a foolish incoherent sort of speech, introduced the pasquinade lately printed, called the funeral of George W——n, and James W——n, King and Judge, &c., where the President was placed on a guillotine. The President was much inflamed; got into one of those passions when he cannot command himself; ran on much on the personal abuse which had been bestowed on him; defied any man on earth to produce a single act of his since he had been in the Government, which was not done on the purest motives; . . . that he had rather be on his farm than be made *Emperor of the World*; and yet that they were charging him with wanting to be a King. That that *rascal Freneau* sent him three of his papers every day, as if he thought he would become the distributor of his papers; that he could see in this, nothing but an impudent design to insult him."

Genet
Recalled

Genet's excesses gave the Federalists an opportunity of which they took skilful advantage. At a hint from Hamilton, Jay and King publicly accused Genet of having threatened to appeal from Washington to the people. The minister denied having made such a threat and even wrote to Washington demanding that Jay and King be prosecuted for libel. Then it transpired that some of the recently published tirades against Washington and the government had been written by Genet's secretary, while about the end of the year the story of Genet's filibuster-

ing projects got abroad. A decided reaction set in and Washington was about to dismiss the minister peremptorily when news came that Genet had been recalled. The Girondist party that had sent him out had been overthrown by the Jacobins and his successor, Fauchet, brought with him power to arrest Genet and to send him back to France. The "Reign of Terror" had begun and Washington refused to allow the extradition. The fallen minister, knowing that he would probably be guillotined if he returned to France, remained in America, married a daughter of Governor Clinton, and settled in New York where in comparative obscurity he lived to a ripe old age.

Genet's fall brought to an end the plans to conquer the Spanish dominions in America by filibustering expeditions. It is said that more than three thousand men had been recruited in Georgia and the Carolinas for attempts upon Florida and Louisiana. In Kentucky the outlook had been still more promising. George Rogers Clark, whom Genet had appointed "Major General of the Independent and Revolutionary Legion of the Mississippi," called for volunteers and, as the people of the West heartily sympathized with France and hated Spain, he enlisted a considerable force. In July, 1793, Jefferson, who expected a war with Spain, intimated to Genet that a little spontaneous irruption of Kentuckians into Louisiana might be helpful, but in the end the government of the United States refused to be blind to the attempt. As Governor Shelby of Kentucky practically refused to stop the expedition, General Wayne was ordered to establish a force at Fort Massac for that purpose. This together with the recall of Genet brought the enterprise to an end.

Genet's conduct had an injurious effect upon the Republican party; his bitter attacks upon Washington and the government reacted upon the heads of those who had supported him. Jefferson, who had at first been friendly to him and had given him encouragement, was quick to see what would be the result of such a

I 7 9 3

Filibustering

January 13,
1794

Jefferson's
Prudence

1793 disrespectful and indecent course; that the people would not follow the extremists who justified Genet and were "running wild in democratic clubs and fraternizations, wearing liberty caps, and aping revolutionary slang." On the third of August, he wrote to Madison: "He will sink the Republican interest if they do not abandon him." Jefferson therefore stepped aside and thus avoided being caught in the consequent disaster. When its effects had passed, his party remembered that he had not lost his head and trusted him more than ever.

Jefferson
Leaves the
Cabinet

The Genet imbroglio served, however, to make Jefferson's position in the cabinet still more delicate and irksome. It led Washington still further from the Republicans toward the Federalists and correspondingly increased the influence of Hamilton. On the thirty-first



December
31, 1793

of July, 1793, Jefferson again announced his intention of resigning, but Washington induced him to remain in office until the end of the year when he gave up his secretaryship. On the second of January, 1794, Edmund Randolph was appointed secretary of state. Considering the anomalous character of Jefferson's position, his resignation was wise, but he was

Edm. Randolph severely criticised for leaving office by the very men who had long censured him for remaining in it. From this time forward, Washington was what may properly be called "a party president," while Jefferson, from his home at Monticello, was the leader of the opposition.

The Yellow
Fever Scourge

Early in July of this year, a strange and fatal disease that the physicians did not understand appeared at Philadelphia and spread from street to street until, by the latter part of August, the whole population of the city was in a panic. Many fled with their household goods and those who remained stayed as closely within doors

as possible. The public offices were temporarily removed from the city and the Pennsylvania general assembly hastily adjourned—fortunately, congress was not in session. It is estimated that seventeen thousand persons left the town and that of those who remained one in five died—in two months, the number of city burials was more than four thousand. November frosts, proving more potent than physician, calomel, and jalap, drove the pestilence away and the fugitives returned. While Death was hovering over the bank of the Delaware, Freneau's *National Gazette* disappeared; its mantle of notoriety and influence fell upon Bache's *Aurora*, a paper that was not much more decent although it was edited by a grandson of Benjamin Franklin whose name Bache bore.





C H A P T E R V I

BRITISH DIPLOMACY AND THE NORTHWEST

Restricted
Trade

THE temptation to make common cause with France was strengthened by the insolent attitude of Great Britain. The liberal spirit that the British government had displayed in the negotiations that led up to the treaty of peace soon gave way to what looked like cold contempt. In 1785, John Adams was sent to London as the duly accredited minister of the United States, but Great Britain did not send a minister to America and steadfastly refused to make a treaty of commerce. American trade was subjected to the vexatious restrictions of British navigation laws and the trade with the West Indies was so crippled that the New England commercial classes complained loudly. The purpose of this course, it was believed by many, was "to make the states feel as much as possible the inconveniences of separation, so that they might be more willing to come back to their old allegiance."

British Posts
in American
Territory

A greater grievance was that Great Britain continued to hold some of the posts that she had agreed to surrender. The excuse was that, as to British debts and Tories, the United States had not lived up to the terms of the treaty; the real reason probably was a disinclination to relinquish control of the rich fur trade of the Northwest and a desire to retain an influence over the tribes of that region in order that "in case of war with America or Spain the tomahawk and scalping knife might once more be called into requisition." The posts thus held were Dutchman's

Point on Lake Champlain, Oswegatchie on the Saint Lawrence, Oswego, Niagara, Erie, Detroit, and Michilimackinac. 1 7 8 9 1 7 9 1

Hoping to secure an adjustment of the questions in dispute, Washington sent Gouverneur Morris, in the fall of 1789, as an informal agent to London. But Morris was treated much as Adams had been and was forced to the conclusion that the only way in which England could be induced to adopt a more friendly attitude was to threaten retaliation and to draw closer to France. Morris's Mission

Meanwhile, England had become involved in a quarrel with Spain and, for a time, war seemed imminent. In the United States it was feared that England might wrest Louisiana from Spain and thus become our neighbor on the west as well as on the north. There was also a fear that in attempting such a conquest she might violate American neutrality by marching troops across our territory. In Washington's cabinet there were differences of opinion as to what should be done. Hamilton thought that, if war broke out, the United States should assist England against Spain, while Jefferson favored forming an alliance with Spain and endeavoring to draw France into the combination. The controversy was peacefully settled by the convention of Nootka Sound but, while the possibility of war existed, Great Britain's statesmen began to ask themselves whether it would not be well to have a representative at the capital of the new republic. A War Cloud
October 28, 1790

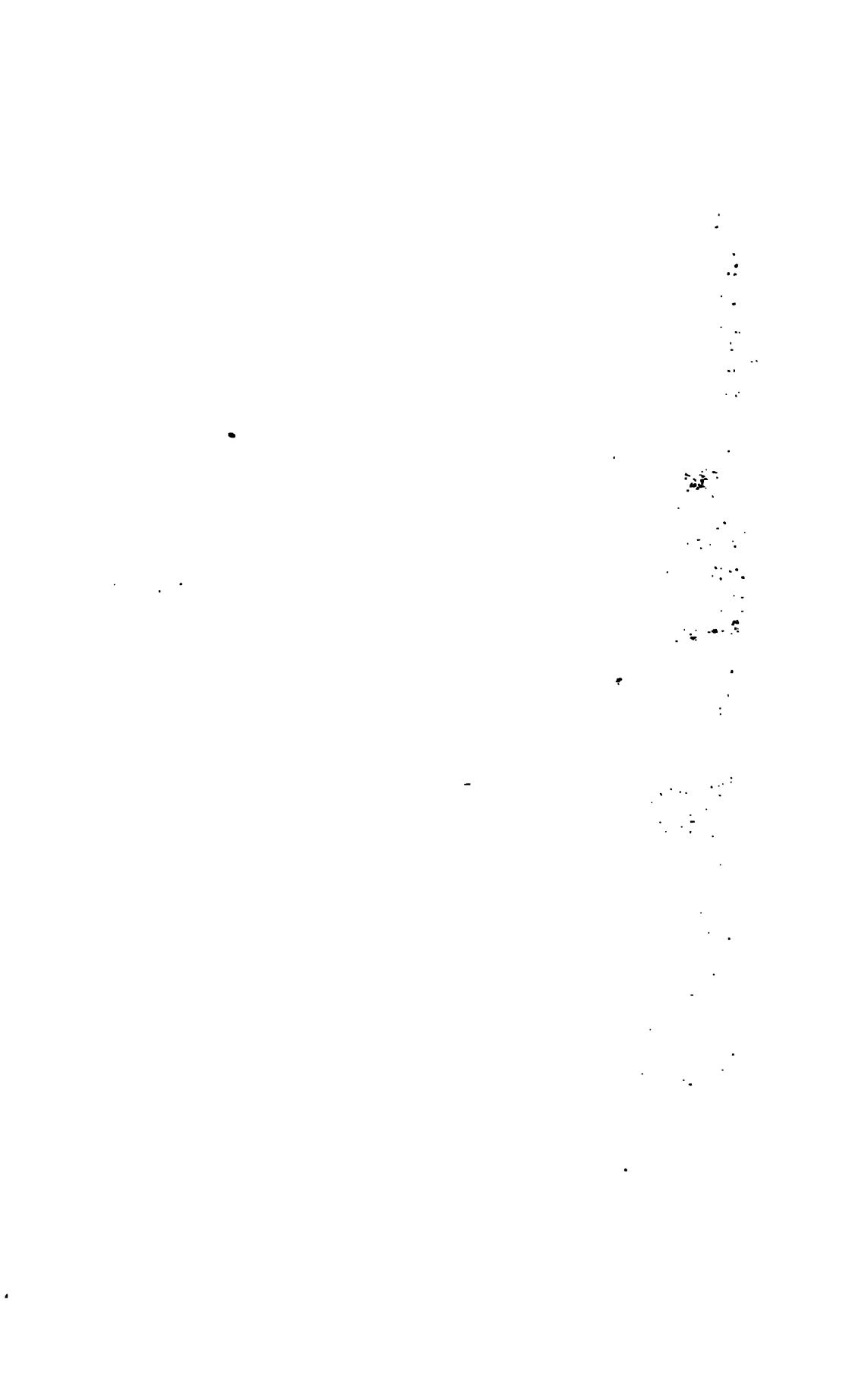
Acting under orders from England, our long-time acquaintance, Sir Guy Carleton, now Lord Dorchester and governor of Canada, sent Lieutenant-colonel Beckwith to New York as his informal representative. Jefferson had not yet become secretary of state and Beckwith entered into relations with Hamilton. Even after Jefferson took office, this plan of communication was continued, for Beckwith's mission, says Jefferson, was "so informal that it was thought proper that I should never speak on business with him." Late in 1791, George Hammond, a regularly accredited British minister, arrived at Philadelphia, then the seat of government. Diplomatic Agents

1 7 8 3 Washington thereupon appointed Thomas Pinckney of
 1 7 9 2 South Carolina, as the United States minister to England
 and the appointment was confirmed by the senate in
 January, 1792. About the same time, Gouverneur Mor-
 ris, who was still at London, was confirmed as minister
 to France. The exchange of representatives by Great
 Britain and the United States was not immediately pro-
 ductive of important results. Hammond was without
 power to conclude a commercial treaty and efforts to
 secure the execution of the old treaty resulted only in a
 long and fruitless wrangle in which each power accused
 the other of being the first to violate the terms of the
 compact.

On the
 Frontier

Meanwhile, the presence of the British at the North-
 west posts had intensified a troublesome situation in that
 region. The treaty of peace had not brought peace along
 the far-flung line of the western advance. This was due
 in part to the irrepressible conflict between civilization
 and barbarism, but Spanish intrigues in the Southwest
 and British intrigues in the Northwest were also partly
 responsible. To what extent the British had fomented
 Indian hostilities is a matter of some doubt. It appears
 that they did not desire a general war that would dimin-
 ish the supply of furs, but hostilities that would impede
 settlement and keep the Americans out of the region
 would work to their advantage—"a dangerous policy and
 likely to get beyond control." The British home govern-
 ment was probably guiltless of any direct instigation and,
 until 1794, the same may be said of the higher Canadian
 authorities. With their subordinates in the Northwest
 the case was different. British traders and officials lis-
 tened to stories of Indian wrongs with sympathetic ears
 and furnished the red men with provisions and arms,
 while renegade Tories, like Simon Girty, and some of the
 French Canadians from Detroit actually accompanied the
 war parties on forays. The British claimed that the
 presents and supplies were only those that they were
 accustomed to give in times of peace; but the Indians
 did not use them peaceably. In the words of Professor





Bassett, "the assistance the savages were wont to receive 1789.
in an unofficial way from the officials of Canada was 1790
little short of the aid given ordinarily to an open ally."

In January, 1789, General Arthur Saint Clair, the ^{Indian}
governor of the Northwest Territory, met representatives ^{Forsys}
of the Wyandots and other western tribes at Fort Harmar



Fort Harmar in 1790

and concluded a treaty that confirmed certain grants that had been made at forts McIntosh and Finney in 1785. The treaty proved unsatisfactory to many of the Indians who claimed that it had been secured by fraud from a few of the tribes and was not binding upon all. The Shawnees, especially, were insolent and began their marauding. Settlements were raided along the borders of Kentucky, Virginia, and Pennsylvania, and boats were attacked on the Ohio. Tribe after tribe entered the conflict and even the far-off Chippewas from the upper lakes became engaged. The situation was made more difficult by the fact that some tribes that pretended to be friendly were secretly engaged in these attacks; it was impossible to distinguish between real friends and treacherous foes.

Of course, the settlers repaid in kind whenever possible. ^{Calls for}
They also sent to the federal capital urgent appeals for ^{Help}
assistance, but the new government was very weak and
excessively poor. The army was but a handful and the

1790 statesmen hoped to conciliate the Indians by peaceful means. "Throughout the years of 1789 and 1790 an increasing volume of appeals for help came from the frontier counties. The governor of the Northwestern Territory, the brigadier-general of the troops on the Ohio, the members of the Kentucky Convention, and all the county lieutenants of Kentucky, the lieutenants of the frontier counties of Virginia proper, the representatives from the counties, the field officers of the different districts, the General Assembly of Virginia, all sent bitter complaints and long catalogues of injuries to the President, the Secretary of War, and the two Houses of Congress." A prominent Kentuckian wrote to the secretary of war that, in the seven years since the Revolution ended, fifteen hundred persons had been slain in Kentucky or on the routes leading thither.

Saint Clair
Plans a
Campaign

July 15

Moved by the clamor of the people and by the knowledge that Joseph Brant, the irreconcilable Mohawk chief-tain who was now a British pensioner, had induced the Wabash tribes to take up the hatchet, General Saint Clair called upon Kentucky to furnish troops and authorized Richard Butler, who commanded in Allegheny County,



Autograph of Richard Butler

to summon the militia of the border counties of Pennsylvania and Virginia to protect

that region. Saint Clair's plan was for Major John Francis Hamtramck, the commander at Vincennes, to advance up the Wabash, while General Josiah Harmar, a Pennsylvania veteran of the Revolution, advanced up the Miami from Fort Washington (Cincinnati).

Harmar's
Advance

Harmar's troops gathered slowly and it was the first of October before an advance guard was sent forward; the main body followed three days later. Harmar's total



Autograph of Josiah Harmar

force amounted to three hundred and twenty regulars and one thousand one hundred and thirty-three militia; the militia were indifferent soldiers and the commander

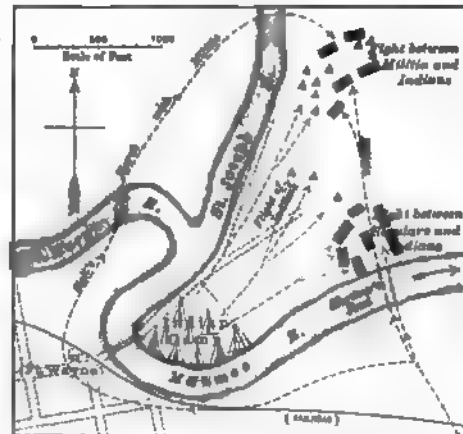
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was incompetent and often drunk. Rumor magnified the army and for a time the Indians did not make a stand. In sixteen days, Harmar reached the Delaware and Miami villages near where the Saint Joseph and the Saint Marys rivers unite to form the Maumee. He found the villages deserted and burned two or three hundred wigwams and about twenty thousand bushels of corn. Saint Clair later called this a "terrible stroke," but Hamtramck, who had a similar success further west, better knew the significance of such warfare and said: "The Indians can never be subdued by burning their houses and corn, for they make themselves perfectly comfortable on meat alone and they can build houses with as much facility as a bird does his nest."

This first success was more than counterbalanced by later disasters. The Indians had gained a better knowl-

edge of their enemy's strength and, under the skilful leadership of the Miami chieftain, Little Turtle, displayed greater boldness. A detachment sent out by Harmar to explore the country and to ascertain the whereabouts of the enemy was ambuscaded and cut to pieces. After beginning his retreat Harmar, still incautious, sent back a detachment of four hundred men to scatter the Indians whom he rightly judged would gather at their towns as soon as the troops had gone. The result was that the detachment lost, in killed, wounded, and prisoners, more than half its number. The main army, however, reached the posts on the Ohio in safety.

The effect of Harmar's defeat was similar to that of



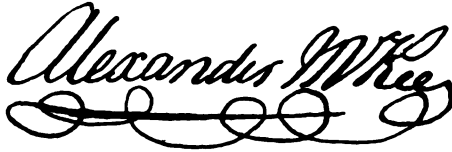
Map of Harmar's Defeat

October 19

Harmar's
Defeat

1790

Delawares, Wyandots, Ottawas, Pottawatomies and others I 7 9 I
 who had openly taken the hatchet against the Americans,
 but also representa-
 tives of the Six Na-
 tions, and tribes of
 savages from lands so
 remote that they car-
 ried no guns, but



Autograph of Alexander McKee

warred with bows, spears, and tomahawks, and were clad
 in buffalo-robcs instead of blankets. McKee in his speech
 to them did not incite them to war. On the contrary, he
 advised them, in guarded language, to make peace with
 the United States; but only upon terms consistent with
 their 'honor and interest.' He assured them that, what-
 ever they did, he wished to know what they desired; and
 that the sole purpose of the British was to promote the wel-
 fare of the confederated Indians." This cautious advice
 was not intended to promote peace, and the British gifts in-
 cluded powder and ball as well as cattle, corn, and tobacco.

Meanwhile, the federal government had been roused to
 the necessity for action. In December, 1790, Washing-
 ton informed congress that he intended another expedi-
 tion and asked for authority to raise three thousand
 troops. On the ninth of March, 1791, the secretary of
 war instructed General Charles Scott of Kentucky to
 move against the Kickapoos and other Wabash tribes.
 Scott crossed the Ohio with eight hundred mounted
 Kentuckians, burned several towns, killed about thirty
 Indians, captured a somewhat larger number, and then
 retreated to Louisville. In August, this success was
 followed by another raid under Colonel James Wilkin-
 son, formerly a member of General Gates's staff and one
 of the heroes of the Conway cabal. In 1783, Wilkinson
 had moved with his family from Maryland to Lexington,
 Kentucky; before the end of the decade he was in treason-
 able correspondence with the Spanish officials at New
 Orleans, of which more in the next chapter. Wilkin-
 son's expedition against the red enemy resulted in the
 reburning of two or three Indian towns, the destruction

Punishing the
 Wabash
 Indians

May 19

1791 of goods and crops, and the killing or capturing of about two score Indians. As was intended, these raids diverted attention from Saint Clair's preparations and prevented the Wabash Indians from giving much if any assistance to the Maumee tribes.

Saint Clair's
Advance

Meanwhile, Saint Clair was gathering an army at Fort Washington and preparing to build a chain of forts from the Ohio River to Lake Erie—an impediment to the inroads of hostile Indians. There was much delay in forwarding men, and the raw recruits who came were of poor quality for the pay was contemptible—two dollars and ten cents net per month for a private and only sixty dollars for a colonel. "Men who are to be purchased from prisons, wheel-barrows, and brothels at two dollars per month will never answer for fighting Indians," wrote a visitor to the camp. Food and supplies were bad and slow in arriving. It was the middle of September before the army began to move. About twenty-five miles north of Cincinnati, Saint Clair



Fort Hamilton as originally Built

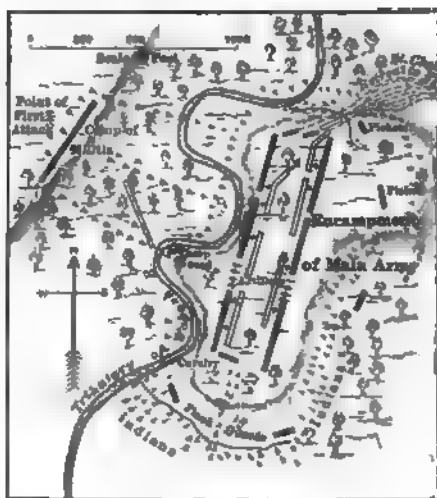
built Fort Hamilton, named in honor of the secretary of the treasury; thence a second advance was made on the fourth of October. The

opening of the road and the wretched management of the commissariat caused such delays that the column made only five or six miles a day. On the thirteenth, the army halted and built Fort Jefferson about six miles south of the present city of Greenville; the march was not resumed until the twenty-fourth. By this time, the regulars had been reduced to some sort of discipline, but the six months' levies were almost worse than the militia. Desertions were frequent, disorder was prevalent, and Saint Clair was physically broken down and wholly unequal to the task he had undertaken. It is said that he was suffering

so severely from the gout that he was carried on a litter.

Saint Clair had been warned by Washington to guard against Braddock's fate, but he seems not to have dreamed that he was in danger of attack. He failed to keep out scouting parties and, on the last day of October, weakened his army by sending Major Hamtramck with one of his two regiments of regulars after a squad of deserters. Meanwhile, the movements of Saint Clair's forces were being watched by a small party of Indian scouts led by the Shawnee chief, Tecumseh, whose prompt report enabled Little Turtle and Blue Jacket to prepare an unexpected attack. Three days later, the army, now numbering but fourteen hundred men, encamped on the

The Camp on the Wabash



Map of Saint Clair's Defeat

November 3

east fork of the Wabash, here a stream only about twenty yards wide. The main camp was on a narrow rise of ground surrounded by the forest. The militia were thrown out beyond the Wabash, but, though parties of Indians were observed during the day, no fortifications were erected nor any adequate measures taken for defense.

Just after sunrise next morning, the unprotected militia beyond the creek were suddenly attacked by a horde of warriors, led, it is said, by Little Turtle and Blue Jacket. After a short resistance, they fled in wild panic across the stream and took refuge among the regulars, spreading dismay and confusion. The Indians then surrounded the entire camp and, with boldness, ferocity, and caution kept up an incessant fire. The exposed soldiers replied with their muskets and artillery—a noisy and harmless

Saint Clair's Defeat

November 4

1 7 9 1 fire under cover of the heavy smoke of which the Indians "came up so close that they shot the troops down as hunters slaughter a herd of standing buffalo." Several bayonet charges were attempted, but each time the Indians scurried out of the way only to return to the attack as the troops retired. Saint Clair and his subordinate officers bore themselves bravely, but they could do nothing to avert disaster. The artillery was silenced, General Butler and all the officers of the regular regiment were killed, and the wings began to shrink back. Panic seized the troops and, as the only hope for saving the remnant of his army, Saint Clair, whose clothing had been pierced by eight bullets, ordered a charge along the road by which the army had advanced. The Indians, surprised by the renewed vigor of the remnant, fell back, leaving an opening through which the troops, ill trained in forest warfare, "pressed like a drove of bullocks." A wild rout followed as the Indians fell on the rear and began a hot pursuit. Fortunately, the red men, attracted by the chance of plundering the camp and scalping the dead and wounded on the battle-field, pursued only a few miles. Before reaching Fort Jefferson, the fugitives met the lately detached second regiment of regulars. The wounded were left in the fort and the retreat was continued to "Fort Washington and the mean log huts of Cincinnati." Six hundred and thirty men had been killed and more than two hundred and eighty wounded; fewer than five hundred had escaped unhurt.

Washington
Asks for
Saint Clair's
Resignation

The tidings of disaster did not reach Philadelphia until the evening of the nineteenth of December. Washington heard the news while at dinner. He restrained himself until the guests were gone, but then "his pent-up wrath broke forth in one of those fits of volcanic fury which sometimes shattered his iron outward calm." He told how he had bidden Saint Clair above all else to beware of surprise. "He went off with that solemn warning thrown into his ears, and yet to suffer that army to be cut to pieces, hacked, butchered, tomahawked, by a surprise, the very thing I guarded him against! O God,

O God, he's worse than a murderer! How can he answer it to his countrymen!" Then, calming himself with difficulty, he added: "General Saint Clair shall have justice . . . he shall have full justice." The unfortunate general hurried east to meet any charges that might be brought against him. He asked for a court-martial, but there were not enough officers of suitable rank in the army to form the court. At Washington's request he resigned his commission as commander-in-chief of the army, but he retained his governorship ten years longer. Beyond this, he was never punished for the disaster. This was perhaps just. Saint Clair was unquestionably incompetent, but he was courageous and honorable, and the administration itself was not free from blame. With the kind of army that had been given him, only a military genius could have avoided failure if not disaster.

April, 1792

Great as was the disaster, it did not rouse the nation to determination. Roosevelt says that "the United States Government was almost as much demoralized by St. Clair's defeat as was St. Clair's own army." The nation was poor, the people of the East were indifferent, and the administration "was driven to the ignoble necessity of yet again striving for a hopeless peace." An attempt was made to induce the Six Nations to use their good offices with the northwestern tribes, but nothing came of it, and Brant continued to be hostile. In the spring of 1792, Colonel John Hardin of Kentucky and Major Alexander Trueman of the federal army were sent on a mission to the hostile towns and were treacherously murdered. Even then, the government continued its efforts for peace and, in the fall of the same year, Brigadier-general Rufus Putnam, aided by the Moravian missionary, John Heckewelder, succeeded in concluding a treaty at Vincennes with the Illinois and the Wabash tribes. In the following spring, a commission consisting of Benjamin Lincoln, Beverly Randolph, and Timothy Pickering was sent to negotiate with the hostile Miamis and their allies. They had an interview with Brant at

The United States Begs for Peace

September 27, 1792

1 7 9 2 Niagara and thence went to Detroit where they held a
1 7 9 4 council with representatives of the hostile tribes.

British
Influence

But all peace overtures were fruitless. Brant and the Iroquois urged the hostile tribes not to make the concessions sought by the commissioners and promised assistance, while the equivocal attitude of John Graves Simcoe, the former commander of the famous Queen's Rangers and now the governor of Upper Canada and bitterly hostile to everything American, encouraged the Indians to refuse to make peace. The British officials in Canada were quick to reflect the insolent tone of the home government and, "as always in such cases, the more zealous and belligerent went a little farther than they were authorized." On the tenth of February, 1794, Lord Dorchester, in a speech to a deputation of chiefs, said: "From the manner in which the people of the United States push on and act and talk . . . I shall not be surprised if we are at war with them in the course of the present year," a speech that was little less than a direct appeal to arms. Two months later, Simcoe built and garrisoned a fort near the lower Maumee Rapids; the site is within the limits of the village of Maumee in northwestern Ohio. From this time forward, the British gave the Indians much material aid and almost open support.

Wayne is
Given the
Command

But under the glove, the federal government had been developing the iron hand. The first to be done was to find a general to succeed Saint Clair. After considerable hesitation and to the disappointment of Governor Henry Lee, the "Light Horse Harry" of the Revolution, and some of his Virginia friends, Washington selected "Mad Anthony" Wayne, the hero of Stony Point, an officer whom he regarded as "More active & enterprising than judicious & cautious.—No œconomist it is feared:—open to flattery—vain—easily imposed upon—and liable to be drawn into scrapes. Too indulgent . . . to his officers and men.—Whether sober—or a little addicted to the bottle, I know not." From the frequency with which Secretary Knox cautioned the new commander



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against taking unnecessary risks, it is evident that the president was for a long time fearful that he had made a mistake.

But Wayne exercised prudence and discretion and justified Washington's hope "that time, reflection, good advice, and, above all a due sense of the importance of the trust which is committed to him, will correct his foibles, or cast a shade over them." In June, 1792, he arrived at Pittsburg and began the work of reorganizing the army. As a nucleus, he had the dispirited remnants of the defeated army, and recruits were enlisted under new congressional legislation. The character of these recruits was much like that of those sent to Saint Clair, and Wayne saw clearly that his first task was to transform them into soldiers. At a camp about twenty-seven miles below Pittsburg, he began the work under discouraging conditions. By spring, he had twenty-five hundred regulars "worthy to be trusted in a campaign." The government still hoped to end the war by diplomatic means and ordered him to remain on the defensive. In May, 1793, Wayne shifted his "Legion," as the army was called, to a camp near Cincinnati; he called the camp "Hobson's Choice." About the first of October, he received cautious orders to begin the campaign.

Wayne
Creates an
Army

In obedience to orders to run no risks, Wayne marched his army eighty miles north of Cincinnati and wintered in a camp that he called Greenville, in honor of General Nathanael Greene. Here the troops were drilled and given some experience in actual warfare. In December, a strong detachment was sent forward to the site of Saint Clair's defeat where Fort Recovery was built. Among those who took part in this expedition was Lieutenant William Henry Harrison. In the spring of 1794, lack of supplies delayed the forward movement. On the thirtieth of June, the garrison of Fort Recovery repulsed about two thousand warriors with such heavy loss that many of the Indians from the upper lakes became discouraged and went home. Three weeks later, Wayne was joined by a large force of mounted Kentuckians

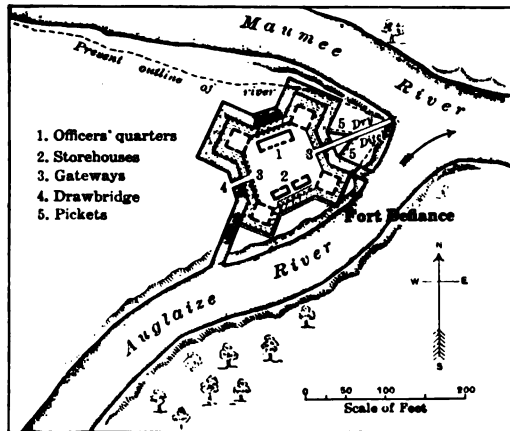
Wayne's
Army
Advances

1794 under General Scott and, on the twenty-seventh of July, he began his march against the Maumee towns. His army was now in a state of high efficiency. Washington had instructed him "not to be sparing of powder and lead, in proper and reasonable quantities, to make the soldiers marksmen," and now the troops could hold their own in shooting matches with the borderers. The infantry had been trained in the use of the bayonet and the cavalry in the use of the saber. Upon infantry and cavalry Wayne had impressed the idea that their safety lay in charging home with determination; he meant to profit by the advice of the experienced Indian fighter, Colonel Marinus Willett, who, in declining one of the brigadier-generalships, had given it as his opinion that when Indians are charged with shouts louder than their own they invariably give way.

On the Way
to the
Maumee

August 8

Unlike Saint Clair, Wayne made constant use of trained scouts and of a few Choctaw and Chickasaw Indians who had joined him, thus avoiding surprise and learning of the movements of the enemy. Thanks to his skilful dispositions, he arrived at the junction of the Auglaize



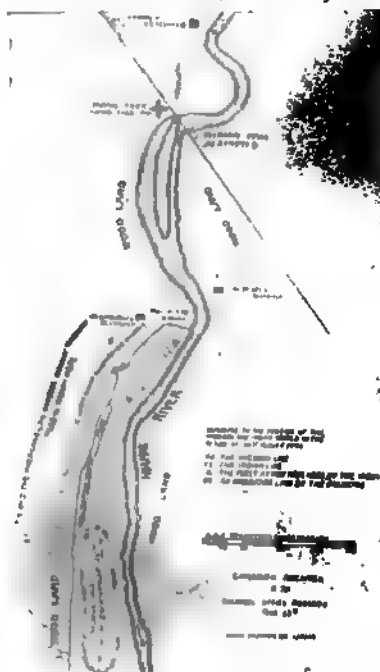
Plan of Fort Defiance

and Maumee rivers, the heart of the hostile Indian population, without serious opposition. There he halted for a week and built a stockade that he called Fort Defiance. Meanwhile the troops enjoyed the vegetables and the roasting ears of corn gathered from the Indian fields, and Wayne sent Christian Miller, a naturalized Shawnee, with a final offer of peace. As the olive branch was

refused, Wayne again advanced and, on the eighteenth, arrived at Roche du Bout by the Maumee Rapids, only a few miles from the British Fort Miami that Simcoe had lately built. There he established a temporary post for the storage of baggage and called it Fort Deposit. On the morning of the twentieth, with about three thousand men, including the mounted Kentuckians under Scott, he marched down the north branch of the Maumee to attack the Indian position. A drizzling rain was falling and the clouds were dark.

The Indians had long been preparing for the conflict. They had sent their old men, squaws, and children to places of safety, either with the garrison of the near-by British fort or at the River Raisin, now Monroe, Michigan. A few miles south of the British fort, they had taken up a position at Presque Isle, a hill or ridge along which ran a mighty swath of fallen timber, felled years before by a tornado. Among the fallen trunks, many of which were twisted but not severed from their stumps, a second growth of trees had sprung up. The Indians cut off these smaller trees breast-high and turned their sharpened ends toward the enemy. In the fortress thus formed by wild winds and men were gathered Little Turtle, Blue Jacket, and Tecumseh with from fifteen hundred to two thousand warriors, and about seventy French, English, and Tory rangers under Captain Caldwell. Their line was about two miles long and lay at right angles to

The Indian Position

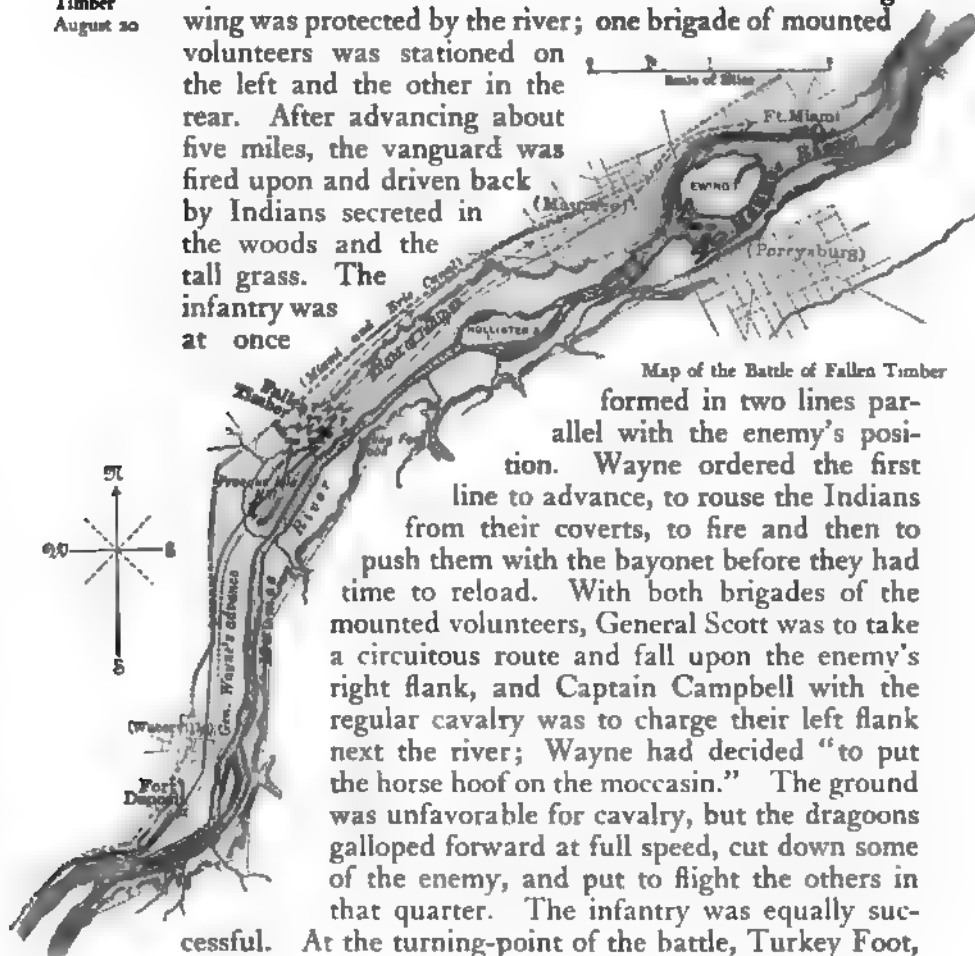


Map of the Battle-field of the Miami

the river; a red foe crouched behind every stump and lurked under the cover of every fallen tree.

The Battle
of Fallen
Timber
August 20

The American infantry advanced in columns, with a battalion of mounted volunteers in front. The right wing was protected by the river; one brigade of mounted volunteers was stationed on the left and the other in the rear. After advancing about five miles, the vanguard was fired upon and driven back by Indians secreted in the woods and the tall grass. The infantry was at once



Map of the Battle of Fallen Timber

formed in two lines parallel with the enemy's position. Wayne ordered the first line to advance, to rouse the Indians from their coverts, to fire and then to push them with the bayonet before they had time to reload. With both brigades of the mounted volunteers, General Scott was to take a circuitous route and fall upon the enemy's right flank, and Captain Campbell with the regular cavalry was to charge their left flank next the river; Wayne had decided "to put the horse hoof on the moccasin." The ground was unfavorable for cavalry, but the dragoons galloped forward at full speed, cut down some of the enemy, and put to flight the others in that quarter. The infantry was equally successful. At the turning-point of the battle, Turkey Foot, the young chief of the Ottawas, standing on a rock that still bears his name, shouted to his braves to stand firm—the Great Spirit would make them strong. For an instant, the clouds parted and the sunshine fell upon him like the approving smile of Heaven. But the clouds soon

closed their rifts and shut out the sunshine; at that moment Turkey Foot fell pierced by a musket ball. Then panic swooped down and slaughter surged where the tornado had destroyed. The Indians were driven from the field before Wayne's second line and Scott's volunteers were able to take much part in the action. The



Musket used in the Battle of the Fallen Timber
(From collection of Mr. H. A. Ogden)

Indians "could not stand against the sharp ends of the guns" and "their moccasins tracked blood on the sand." For seven miles along the river and through the woods the Americans pursued; it was the bayonet against the tomahawk and few prisoners were taken. Some of the fugitives fled to the River Raisin and some did not falter in their flight until they were safe in Canada. The American loss was one hundred and thirty-three, of whom forty-four were killed or mortally wounded. The enemy's loss was probably two or three times as great and included several of Caldwell's rangers, one of whom was captured. "It was," says Roosevelt, "the most important victory ever gained over the Northwestern Indians, during the forty years' warfare to which it put an end."

The Americans pursued the fleeing Indians almost to the walls of the British fort which the soldiers could hardly be restrained from attacking. Major Campbell, who commanded the fort, wrote to ask "in what light I am to view your making such near approaches to this garrison; . . . I know of no war existing between Great Britain and America." Wayne replied: "I think I may, without breach of decorum, observe to you, that, were you entitled to an answer, the most full and satisfactory one was announced to you from the muzzles of my small arms yesterday morning in the action against

Question and
Answer

August 21

1 7 9 4 the horde of savages in the vicinity of your post which terminated gloriously to the American arms, but had it continued until the Indians *etc* were driven under the influence of the post and guns you mention they would not have much impeded the progress of the Victorious Army under my command." The British commander then complained of "those insults you have offered to the British flag flying at this fort, by approaching within pistol shot of my works, not only singly, but in numbers, with arms in their hands. . . . Should you, after this, continue to approach my post in the threatening manner you are at this moment doing, my indispensable duty to my king and country and the honor of my profession will oblige me to have recourse to those measures which thousands of either nation may hereafter have cause to regret." Wayne, in his turn, informed Campbell that "It becomes my duty to desire, and I do hereby desire and demand in the name of the President of the United States, that you immediately desist from any further act of hostility or aggression . . . by withdrawing the troops, artillery and stores under your order and direction forthwith, and removing to the nearest post occupied by His Britannic Majesty's troops at the peace of 1783, and which you will be permitted to do unmolested by the troops under my command." But Campbell did not go and "Mad Anthony" did not venture to make an attack. According to doubtful tradition, Wayne then built a blockhouse nearer the mouth of the Maumee, and did it so expeditiously that he called it Fort Industry; its site is still pointed out at the intersection of Summit and Monroe streets in the city of Toledo. Then the Americans destroyed all the Indian villages in the neighborhood and all the houses and buildings of the British agents and traders including that of McKee.

This work completed, Wayne withdrew to Fort Defiance where his army rested for two weeks. Then, as the Indians still refused to submit, he marched his command up the river sweeping away corn-fields and villages for

fifty miles on each side of the stream and, near the junction of the Saint Marys and Saint Joseph rivers, built



Fort Wayne in 1795

Fort Wayne. The enemy did not make any serious resistance and the troops spent six weeks in destroying Indian towns, corn, and stores. Leaving a garrison in the new fort, Wayne then returned to

Greenville and went into winter quarters.

The Indians were sore put to it to live through the

The
Greenville
Treaty

*Parole. Parole. }
& Sign. Sign. }*

*Chief Quarters
Green Hill 8th June 1795.*

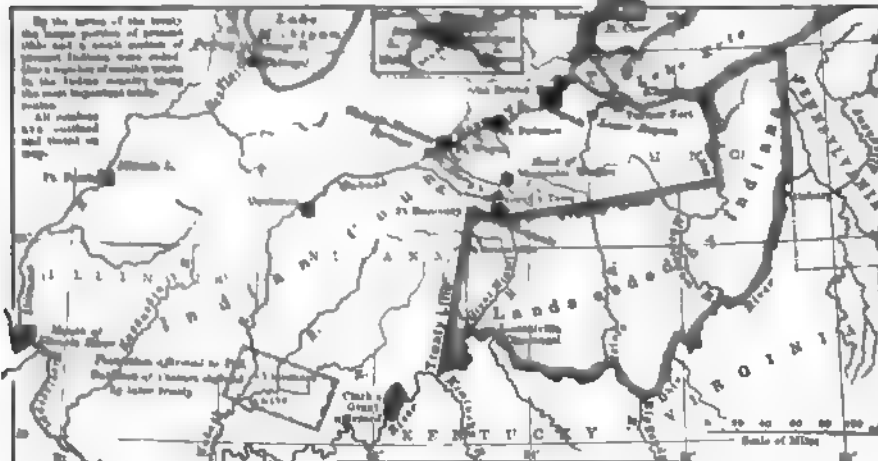
*The Commander in Chief as sole Commissioner
in behalf of the United States of America, for settling all controversies
and for restoring harmony and friendly intercourse between the said
United States, and the Indian Tribes North West of the Ohio, bids
it to be his indispensable duty, to forbid and prohibit, all and every
person or persons whatsoever from trading or trafficking with any
Indian or Indians, for any kind of goods, stores, stores or merchandise
whatsoever except those who may be duly licensed, by the Governor.*

*And in order to put an effectual stop to
the encroachments of Settlers and to ensure friendly peace & intercourse
between the Indians and the Settlers during the present season,
the Commander in Chief under the Absolute Authority, to direct
and Order in the West Council and, Resolves to...*

Page of General Wayne's Orderly Book at the Time his Headquarters were at Greenville

winter. "Their few cattle, and many even of their dogs, died;" they were disheartened by defeat and were sorely indignant because the British had not given them the

aid they had expected. Despite Simcoe's efforts, they sent ambassadors to Wayne. Early in June, 1795, representatives of the various tribes began to gather at



Map of the Greenville Treaty

Greenville and at last more than eleven hundred Indians were assembled; a formal peace was concluded in August. The captives of twenty years were given up; husbands and wives were reunited, and some parents found long-lost children who had forgotten their native language and preferred the barbarian life to that of their fathers. The Indians agreed to cede what is now southeastern Indiana and southern Ohio and the hundred and fifty thousand acres near the Falls of the Ohio (Virginia's grant to George Rogers Clark and his followers) and sixteen other tracts about Fort Defiance, Detroit, the mouth of the Chicago River, Fort Wayne, and elsewhere. In return, the United States agreed to acknowledge their right to their other lands and promised them annuities amounting to nine thousand five hundred dollars. The treaty thus concluded remained unbroken until Tecumseh's conspiracy, sixteen years later. The national government set apart about four thousand square miles south of the treaty line as military bounty lands, in fulfilment of promises made. Wayne had proved

himself to be wise in diplomacy as well as brave in war. 1795
After his treaty with the Indians, the pioneer took heart, a marvelous migration to the Ohio country set in, and many of Wayne's soldiers took up land and became settlers of the country that they had wrested from the Indian. In July, 1797, by proclamation, Governor Saint Clair established Jefferson County, with boundaries that now include about a dozen counties of northeastern Ohio.

The chief credit for the issue of the war is due to Wayne. His brilliant victory at the Fallen Timber, "one of the

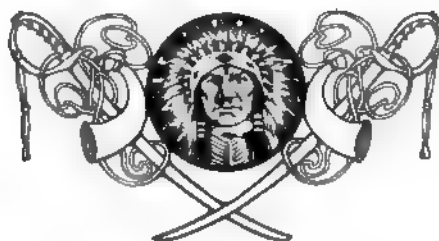
Victory and
Death

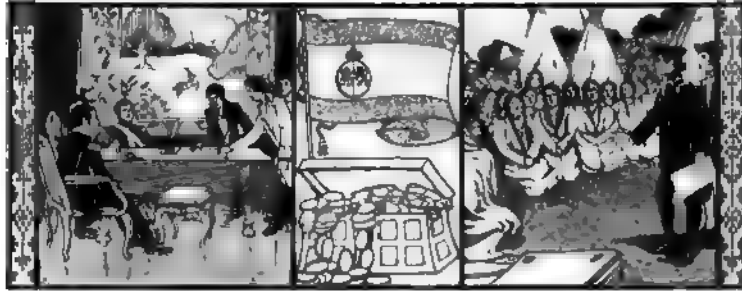
most striking and weighty feats in the winning of the West," broke the spirit of the Indians and had a decided influence upon diplomatic negotiations then proceeding at London. He did not, however, live long to enjoy his new laurels. After a visit to the East, he returned to the Northwest to receive the surrender of the British posts in that region under the terms of Jay's treaty, and died at Presque Isle, now Erie, Pennsylvania. He was buried on what was known as Garrison Hill; in 1809, his remains were removed to the churchyard of Saint David's Church at Radnor, Pennsylvania, near the place of his birth, where the Pennsylvania society of the Cincinnati erected a monument in his honor.



Wayne's Monument, Saint David's Church Cemetery, Radnor, Pa.
(Photo by Miss Lucy A. Sampson, Berwyn, Pa.)

December 15,
1796





C H A P T E R V I I

SPANISH DIPLOMACY AND THE SOUTHWEST

Spanish
Intrigue

WHILE England was holding a large part of the Northwest, Spain was refusing to recognize the validity of the treaty of 1783 and intriguing to acquire the Southwest. These intrigues took two forms: efforts to induce the settlers in the Kentucky and Tennessee regions to withdraw from the Union and to cast in their lot with Spain, and efforts to stir up the Indians, thus to prevent the extension of American settlement.

In Kentucky
and
Tennessee

Reference has already been made to the part played by James Wilkinson in furthering Spanish designs. He and others were greatly aided by the anxiety of the western people to obtain an outlet by way of the Mississippi for their surplus products and by their indignation at the indifference of the North and East to what was of vital importance to them. As it was generally believed in the West that the government under the constitution would consent to Jay's proposed surrender of American claims to the navigation of the Mississippi, ninety per cent. of the Kentucky settlers opposed the adoption of that instrument. In July, 1788, while the federal constitution was still under consideration, a Kentucky convention assembled to consider western interests. Under the lead of Wilkinson and Judge Sebastian, another Spanish tool, a minority of the convention favored a declaration of independence. At another convention held in November, Wilkinson tried in vain to stir up a spirit of revolt that would

irritate congress into taking some step that would rouse the westerners to an appeal to arms; the convention merely sent a temperate and respectful address to the Virginia legislature urging separation. There were also much dissatisfaction and disunion sentiment in the Tennessee region. The state of Franklin was tottering to its fall and John Sevier, who was accused of high treason against North Carolina, entered into negotiations with Gardoqui, the Spanish minister to the United States. James Robertson, the founder of the Cumberland settlement, expressed the opinion that the West would secede and join some foreign state. In honor of the governor of New Orleans, he named the Cumberland region the District of Miro, and wrote that the time was approaching for the Cumberland people to unite with Spain. As already related, Kentucky was admitted to the Union and North Carolina ceded Tennessee to the general government. Separatist sentiment and intrigues continued for some time, but the danger was past. Sevier even became a Federalist.

January 11,
1789

Meanwhile, there were complications and intrigues still further south in the disputed region north of the thirty-first parallel. In December, 1789, the Georgia legislature granted to the Tennessee Yazoo company, the Virginia Yazoo company, and the South Carolina Yazoo company twenty-five million, four hundred thousand acres of land along the Mississippi to which land the state had no clear title. The Tennessee company planted a settlement near the Muscle Shoals in the Tennessee River, but it was soon broken up by the Cherokees. The Virginia company did not attempt actual settlement, but the South Carolina company, through Doctor James O'Fallon, secretly an agent for Wilkinson, entered into negotiations with Miro. O'Fallon promised that he soon would have in the region ten thousand settlers who would recognize Spanish authority. On the other hand, he represented in Kentucky that his intention was to establish a colony that would ultimately enter the federal union as a state. News of this undertaking soon reached New York and,

The Yazoo
Land
Companies

1790 in August, 1790, Washington issued a proclamation ordering an observance of the laws and treaties that protected the Indians in their rights. This proclamation was followed by another warning O'Fallon and his associates to desist and ordering the United States district attorney to proceed against him. The scheme therefore came to nothing, but the Georgia grants became the source of troublesome complications.

A Half-
breed Tory

While Spain was trying to induce the western settlers to transfer their allegiance to her, she was secretly stirring up the Indians to make war upon them. Her most efficient agent in this work was Alexander McGillivray, the son of a Scotch trader by a Creek woman. He had fought against the Americans during the Revolution and had lost some of his property by confiscation. A bitter enemy of the United States, he was active in sending out war-parties that harried the borders. The white settlers appealed to the general government for protection, but Secretary Knox feared that a war with the Creek Indians would be followed by a war with Spain. He therefore induced Washington to invite McGillivray to New York and, in June, 1790, the people of the temporary capital saw Tammany sachems escorting the half-breed and twenty-eight Creek chiefs through the streets to Knox's house where McGillivray was lodged. In the negotiations that followed, McGillivray displayed a Scotchman's caniness and an Indian's cunning. The Creeks agreed to recognize the United States as their only guardian; in return, the government granted to McGillivray and his friends the sole privilege of trading with the Creeks, made him a brigadier-general with a yearly stipend of twelve hundred dollars, paid him a hundred thousand dollars in consideration of his losses in the Revolution, and ceded back to the Creeks certain territory that Georgia had fraudulently bought. Hardly, however, was the arch-deceiver home before war-parties were again ravaging the frontiers. McGillivray endeavored to keep up the pretense of friendship, but in reality he remained a secret enemy until his death.

Even had McGillivray tried to keep his promises, he could not have done so. The encroachments of the whites upon the Indian lands, the outrages committed by brutal and irresponsible borderers, the natural disposition to indulge in war, and Spanish intrigues united to create among the Indians a spirit of hostility that only superior force could stifle. Encouraged by Harmar's and Saint Clair's defeats in the North, war-bands of Creeks and Cherokees hung almost continually upon the skirts of the settlements. The Indians near the frontier and within easy reach of vengeance were careful to profess themselves friendly and probably endeavored to avoid committing offenses that would bring destruction upon them. They did not, however, prevent war-parties from the more remote Creek and Cherokee towns from passing through their villages and falling upon the white settlers, stealing horses, ambushing men, and killing or carrying off women and children.

1 7 9 0
1 7 9 2
Indian
Depredations

The frontiersmen desired to act in their own defense, but the government was engaged in negotiations with Spain and ordered that no offensive operations should be undertaken. William Blount, the governor of the Southwest Territory, did his best to enforce the order, to prevent the outbreak of a general war, and to protect the settlers. He secured the appointment of Sevier and Robertson as brigadier-generals of the militia of the territory and endeavored to conciliate the Indians. In May, 1791, he concluded the treaty of Holston whereby the Cherokees, in consideration of valuable presents and an annuity, promised to keep the peace and definitely surrendered their claims to various tracts of land that the white men claimed under former treaties. Still, like the Creeks, the Cherokees continued to indulge in hostilities. In the spring of 1792, the governor met two thousand of them in council and, after being again assured of their peaceful intentions, gave them the treaty goods. While the council was in session, the outrages were continued and, in the fall, a large party of Creeks and Cherokees from the Chickamauga towns on the

Broken
Promises

1792 Tennessee attacked Buchanan's Station in the Cumberland district.
1794

Sevier
Punishes the
Cherokees

Outrage followed outrage until the situation grew intolerable and the whites began to retaliate. After a year of desultory raids in which innocent Indians were made to suffer with the guilty, a decisive blow

Autograph of John Sevier

was struck. In the fall of 1793, Sevier, with a large force of mounted riflemen, pursued a band of several hundred hostiles and swept through the Cherokee country to the land of the Creeks, burning towns, destroying crops and provisions, killing Indians, and moving with such celerity that the enemy were unable to gather in sufficient force successfully to oppose him.

Punishing the
Chickamaugas

This chastisement brought relief to the eastern settlements, but the Chickamaugas of the lower Cherokee towns continued to terrorize the Cumberland region. In September, 1794, Robertson, who had lost a son and a brother in the war, learned of the gathering of a large band of hostile Creeks and Cherokees and determined to anticipate their blow. More than five hundred mounted Tennesseans and Kentuckians, including several celebrated frontier fighters like Kasper Mansker, were sent against the Chickamauga towns. Unobserved, they forded the Tennessee in the night and fell like a thunderbolt on Running Water and Nickajack, killing fifty-five warriors and capturing nineteen women and children.

Peace

Robertson's expedition was strongly disapproved by Blount and the federal government, but the strenuous Mr. Roosevelt declares that it was right and proper and that, in no other way, could the hostile towns have been

brought to reason. Moreover, it had the desired effect. The peace party among the Cherokees exerted themselves to restrain the more warlike of their own tribe and joined with the whites in repelling Creek war-parties. The Creeks also became embroiled in a war with the Chickasaws and were cowed by the news of Wayne's victory in the North. After much dissension among themselves, they finally decided upon peace and concluded a treaty the provisions of which were similar to those of the one negotiated with McGillivray at New York. For the first time in a generation, there was, in the words of Washington, "peace from one end of our frontiers to the other."

October, 1795

In spite of Indian warfare, throngs of emigrants had moved into Tennessee; with the coming of peace, the invasion took on large proportions. In 1796, a traveler counted one hundred and seventy-five wagons and seventeen or eighteen hundred packhorses on the road between Nashville and Knoxville, carrying settlers and their property to the Cumberland region. The territory was entitled to admission as a state whenever it had a population of sixty thousand. An enumeration showed more than seventy-six thousand and a convention met at Knoxville and framed a state constitution. The first legislature met in March and the constitution was submitted to congress in April. A bill admitting Tennessee into the Union was opposed by the Federalists as a measure in aid of Jefferson's ambition to become president. Largely through the championship of Aaron Burr, the passage of the bill was secured and, on the first day of June, the president approved it. Sevier was elected the first governor; Blount became one of the United States senators, and Andrew Jackson the first congressional representative. The twelve-mile strip ceded by South Carolina and united, in 1790, to the lands ceded by North Carolina was set off and organized as "The Territory South of Tennessee."

Tennessee
Becomes a
State

January 11-
February 6,
1796

Meanwhile, the federal government had been seeking a settlement of pending difficulties with Spain. In 1791, Jefferson, who understood and sympathized with the

Seeking a
Treaty with
Spain

1790 aspirations and desires of the West as did few other
 1794 eastern men, instructed William Carmichael, the Ameri-

W. Carmichael

Autograph of William Carmichael

can chargé d'affaires at Madrid, and William Short who held a like position at Paris, to negotiate a treaty in which commercial questions, the Florida boundary, and the navigation of the Mississippi were to be determined.

But the Spanish government named Gardoqui as its representative, he proved

W. Short

Autograph of William Short

no more tractable than he had been in 1786, and the negotiations were broken off in January, 1794. It was evident that Spain was satisfied with things as they were and did not desire a settlement.

Washington
 Seeks
 Information

Washington had foreseen the failure of the mission and thought war not improbable. On the fourteenth of June, 1793, having learned that a vessel with several American citizens on board had just arrived at Philadelphia from New Orleans, he wrote to Knox: "It is of great importance that this Government should be fully informed of the Spanish force in the Floridas, the number of their Posts, and the strength and situation of each, together with such other circumstances as would enable it to adopt correspondent measures in case we should, in spite of our endeavors to avoid it, get embroiled in a dispute with that Nation. It would be too improvident, might be too late, and certainly would be disgraceful, to have this information to obtain when our plans ought to be formed. I desire, therefore, that you would cause in as unsuspected a manner as the case will admit, the above persons to be examined touching the above points, and what number of Troops have lately arrived at New Orleans; and commit the result to Paper. . . . I point you to the above as *one source only* of information. . . . No reasonable expence should be spared to accomplish objects of such magnitude in times so critical."

Pinkney
 Goes to
 Madrid

While Carmichael and Short were engaged in vain negotiations, Citizen Genet appeared in the United States and planned his filibustering expeditions against Florida

and Louisiana, as already related. Although these expeditions proved abortive, they had a good effect upon the United States and Spain. The former was roused to a realization of the seriousness of western discontent and to a more vigorous attempt to conciliate the people of that section; the latter saw the danger of a forcible seizure of Florida and Louisiana by the men of the frontier. Both countries were thus brought into a frame of mind favorable to renewed negotiations and, on a hint from Spain, Thomas Pinckney, the American minister to England, was sent to Madrid to negotiate a treaty.



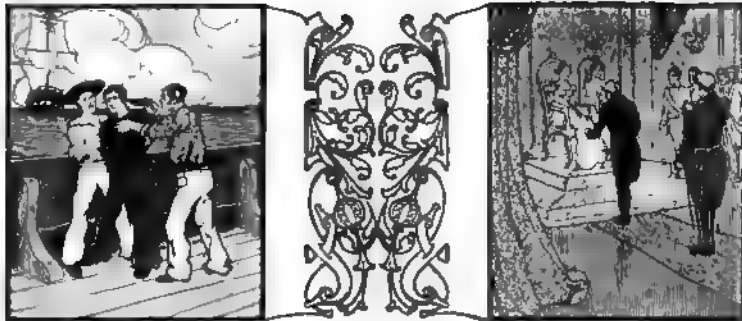
Autograph of Thomas Pinckney

Pinckney reached Madrid on the twenty-eighth of June, 1795, but, owing to the idiosyncracies of Spanish diplomacy, he was not allowed to lay his propositions before the prime minister until the tenth of August. The condition of Spanish affairs was unusually favorable. Don Manuel Godoy, the favorite of Charles IV. and the real power behind the throne, had just concluded a treaty with France and thereby won for himself the title of "the Prince of Peace;" he was willing to justify the title by arriving at a settlement with the United States. It is also probable that he was anxious for American neutrality in case of war between Spain and England, a war made likely by the peace with France, and that he was influenced by news of Jay's treaty, the story of which will be told in the next chapter. Still the summer dragged away and Pinckney, thoroughly disgusted, demanded his passports. A satisfactory treaty was then negotiated in three days and signed at San Lorenzo. By its terms the northern boundary of West Florida, from the Appalachicola to the Mississippi, was fixed at the thirty-first parallel of north latitude as stipulated in the treaty of 1783 with England. Indian hostilities were to be restrained and the right of Americans to navigate the Mississippi was recognized with the added essential concession that they might land their goods at New Orleans and transfer them to ocean-

November,
1794Pinckney's
TreatyOctober 27,
1795The Right of
DepositI 7 9 4
I 7 9 5

1795 going vessels or vice versa. The markets of the world were now open to the settlers of the West; for half a century, until the advent of the railroad era, the Mississippi continued to be almost the only outlet for the products of the great interior valley. The acquisition of the right of navigation and deposit had economic and political consequences of far-reaching importance. Future disputes with Spain there were to be in plenty, but all immediate danger from intrigue and treason had gone by. The westward way for the star of empire had been smoothed.





C H A P T E R V I I I

J A Y ' S T R E A T Y

SOON after the beginning of hostilities with England, France saw that communication with her West India possessions was likely to be cut off by the powerful British navy and, therefore, opened the trade of those islands to vessels of the United States on the terms that they were open to those of France; she hoped thus to prevent the complete isolation of the islands and perhaps to embroil the United States with England. American ship-owners were overjoyed at their opportunity to share in a rich trade that had hitherto been forbidden. Hundreds of vessels, some of which were scarce fit to go out of sight of land, were soon on their way to the French islands. "Traders from Boston and Philadelphia vied with each other in their eagerness to exchange quintals of fish and barrels of flour for sacks of coffee and bundles of hides." Some of the ships went home laden with rum; some had their holds packed with sugar. Some brought to New York and Philadelphia fugitives from the uprising of the Santo Domingo blacks, while others carried the island products to Europe.

Crafty
Generosity

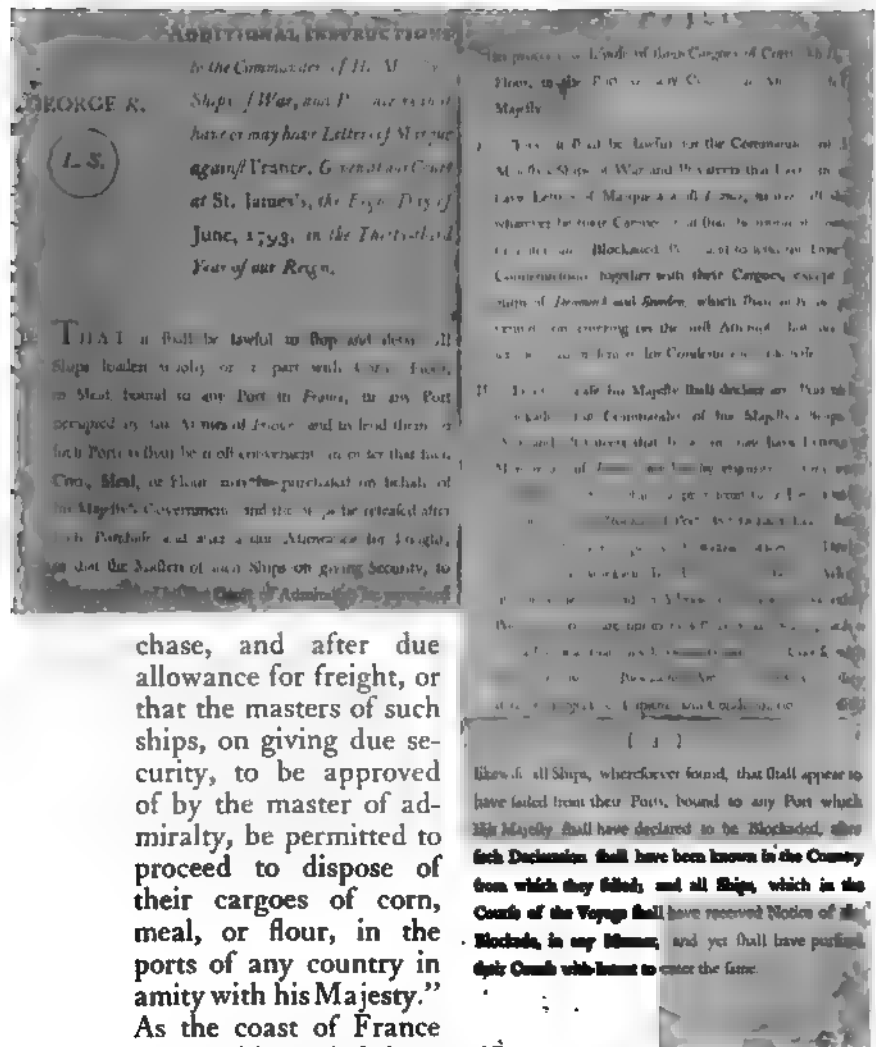
February 18,
1793

Instead of endeavoring to outbid France by making similar concessions, the British government issued an order in council instructing British war-ships and privateers "to stop and detain all vessels loaded wholly or in part with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France as shall be most convenient, in order that such corn, meal,

A British
Order in
Council

June 8, 1793

1793 or flour may be purchased on behalf of his Majesty's Government, and the ships be released after such pur-



chase, and after due allowance for freight, or that the masters of such ships, on giving due security, to be approved of by the master of admiralty, be permitted to proceed to dispose of their cargoes of corn, meal, or flour, in the ports of any country in amity with his Majesty." As the coast of France was not blockaded, there was no warrant in international law for such an order; it appears that England, confident of her superiority upon the sea, was determined

Additional Instructions from King George III. to British War-ships and Privateers

to ignore the rights of neutrals and thus to strike an unfair blow at France where the crops had been poor and the need for provisions was great. 1 7 9 3

Worse than this, the British government revived a rule of 1756, to the effect that a trade forbidden in times of peace could not be thrown open to neutrals in times of war and issued a new order in council to the effect that all British war-ships and privateers "shall stop and detain all ships laden with goods the produce of any colony belonging to France, or carrying provisions or other supplies for the use of any such colony, and shall bring the same, with their cargoes, to legal adjudication in our courts of admiralty." Hundreds of American vessels with valuable cargoes were quickly seized; the petty island governors acted as admiralty judges and seizure was almost equivalent to condemnation. Great Britain denied to her subjects the right of expatriation and British naval officers did not hesitate to act upon their alleged right of search of American merchantmen for seamen of British birth and, if any such were found, to impress them into the king's service. It is said that some of the British inspecting officers required the sailors found on American vessels to say "peas;" if Jack said "paise" it was likely to go hard with him whether he was a naturalized American or not. Worse than even this, American-born seamen were sometimes taken from American ships and impressed into the British service under the pretext that they were Englishmen. When the British captured Saint Pierre on the island of Martinique, marines "boarded every American ship at the port. Their sails were unbent. Their colors were torn down. The seamen were dragged, without so much as a change of clothes, to the deck of a man-of-war, hastily examined, and sent to the dingy hold of a prison-ship near by. There two hundred and fifty of them were shut up for three days."

Another
Order
in Council

November 6

Before the news of the November order and consequent seizures reached the United States, Jefferson, in tardy response to a request made by congress in 1791, sub-

Jefferson's
Report on
Foreign
Commerce

1793 mitted a report upon our foreign commerce. The report
 1794 advocated free trade but favored retaliation against
 nations that put restrictions upon our trade. On the
 third of January, 1794, Madison introduced resolutions
 that were designed to put the recommendation into effect.
 Although no nation was named, it was evident that
 England was the country aimed at. In the long debate
 that followed, one of the strongest speeches in opposition
 was made by Smith of South Carolina, whose arguments
 were to the effect that the United States had no special
 grounds of complaint against Great Britain as distinct
 from those of other nations trading with her, that our
 commerce with her was more valuable than that with
 any other nation, and that retaliation would lead to war
 for which we were not prepared.

An Embargo

The news of British seizure of American vessels in the
 West Indies roused the country almost to a frenzy and
 the tumult was not quieted by reports of Lord Dor-
 chester's inflammatory speech to the Northwest Indians.
 In congress, the Federalist friends of England were almost
 powerless. Bills were passed providing for the fortifi-
 cation of harbors, the purchase of munitions of war, the
 enlisting of eight hundred more artillerymen, and author-
 izing the president to call out the militia. Steps were
 also taken to create a navy. Four frigates of forty-four
 guns and two of thirty-six guns were authorized; avow-
 edly they were for use against the Algerine pirates. In
 many towns the men began to drill and in some they
 assisted without pay in the work of fortifying. At New
 York, for example, the Democratic society, the Tammany
 society, the tallow-chandlers, the grocers, the coopers, the
 bakers, the students of Columbia college, the sawyers,
 the sailmakers, and even the lawyers and schoolmasters,
 took turns at the patriotic work. On the twenty-sixth
 of March, Washington, by authority of congress, pro-
 claimed a thirty days' embargo on all foreign bound
 vessels in American ports; before the expiration of the
 prescribed period, congress extended it for thirty days
 more. A proposal to suspend all commercial relations

with Great Britain until the western posts were given up and indemnity was made for recent outrages passed the house by a large majority and was defeated in the senate only by the casting vote of Vice-president Adams. 1 7 9 4

While public feeling was running high and war seemed almost inevitable, news arrived to the effect that the British government, upon protest from Pinckney, had consented so to modify the order of November sixth as to make it apply merely to vessels "with their cargoes, that are laden with goods the produce of the French West India Islands, and coming directly from any port of the said islands to any port in Europe," to vessels laden with produce from the islands belonging to French citizens to whatever port the vessels might be bound, to vessels endeavoring to enter any blockaded port in the islands, and to vessels laden wholly or in part with naval or military stores and bound to any port of the islands. The concession was not very great, but Washington realized that the country was in no condition for war and resolved not to draw the sword until all peaceful means had failed. A joint conference of leading Federalists had decided that a special envoy should be sent to England and Washington adopted the idea. Hamilton was proposed for the mission, but he was known to be a British partisan and the mention of his name aroused so many protests that he asked the president not to consider him and suggested John Jay, the chief-justice. Washington accordingly sent to the senate his nomination of "John Jay as Envoy Extraordinary of the United States to His Britannic Majesty." After three days of violent debate, the nomination was confirmed.

John Jay is
Named as
Special Envoy
to England
January 8

April 16

On the following day, John Adams wrote: "If Jay should succeed it will recommend him to the choice of the people for President as soon as a vacancy shall happen," but Jay himself was under no such illusion. Before the appointment was made, Jay remarked that such were the prejudices of the American people that no man could form a treaty with Great Britain, however advantageous it might be to the country, without rendering himself so

Ready for the
Sacrifice

1794 unpopular as to blast all hope of political preferment. When it was suggested that he was the person to whom the office was likely to be offered, Jay replied: "If Washington shall think fit to call me to perform this service I will go and perform it to the best of my abilities, foreseeing as I do the consequences to my personal popularity. The good of my country I believe demands the sacrifice, and I am ready to make it."

A Hospitable
Reception

Jay reached London in June. He was introduced to the cabinet ministers at a dinner given by Lord Grenville, the secretary for foreign affairs, and was received at court "where he was said to have kissed the queen's hand, a crime, so the opposition declared, for which his lips ought to be blistered to the bone, a difficult and by no means common form of punishment." The negotiations were conducted with Lord Grenville who displayed a conciliatory spirit. On the fifth of August, Jay wrote: "Our prospects become more and more promising as we advance in the business. . . . A treaty of commerce is on the carpet. . . . The king observed to me the other day, 'Well, Sir, I imagine you begin to see that your mission will probably be successful.'"

The Jay
Treaty

The envoy found, however, that the British were by no means ready to accede to all the American demands and, in the end, he was forced to be satisfied with half a loaf. England consented to surrender the Northwest posts on or before the first of June, 1796; doubtful boundaries, British debts, and claims arising from the seizure of American vessels were to be referred to joint commissions. The treaty had nothing to say about payment for negroes carried away by British troops, the right of search, or the impressment of American seamen. The United States promised that no enemy of England should be allowed to fit out privateers in its ports and consented that Americans who accepted commissions to fight against England should be treated as pirates. In the matter of commercial concessions, Jay was able to obtain but little. American vessels were to be admitted to British ports in Europe and the East Indies for twelve

years, but they must not engage in the East Indian
coasting trade or in the trade between the East Indies
and Europe. As to the coveted trade with the British
West Indies, American vessels of not more than seventy
tons might carry thither American goods and bring back
West India products on the hard condition that "the
United States will prohibit and restrain the carrying any
molasses, sugar, coffee, cocoa, or cotton, in American
vessels, either from His Majesty's Islands, or from the
United States, to any part of the world, except the United
States, reasonable sea-stores excepted." This article was
to continue in force during the existing war and for two
years thereafter.

The treaty was signed on the nineteenth of November,
and copies were sent to America by two different vessels.
One vessel was overhauled by the French, but its copy
of the treaty was thoughtfully deposited in the bosom of
the sea. The other copy was borne by Captain David
Blaney who reported that "The winds blue continually
from the westward from the time the ship left England
until we came on the course of America. . . . I
took a small flask of rum to encourage the sailors to keep
a better watch, and pay attention to the ship, and prom-
ised them all small rewards if the ship arrived at such a
time; but we could not alter the contrary winds. . . .
I mentioned to you . . . the French cruiser board-
ing us, and making mention of the treaty signed by you,
he serch'd every part of the ship; but such care was
taken of the treaty it was impossible for it to have been
discovered. . . . I landed at Norfolk at ten at
night, hired horses and made all the despatch I could to
reach Philadelphia. . . . In seven days from the
time I landed in Norfolk I delivered the despatches to
E. Randolph, Esq.; when I reached Philadelphia my
hand as well as feet was fros'd. . . . Unfortunately
the Senate had rose as well as Congress three days
before I reach'd the Capital." In the interval, word
that the treaty had been signed was borne into Boston.
Although the terms of the treaty were still unknown,

Official
Copies sent
to America

March 7,
1795

January 29

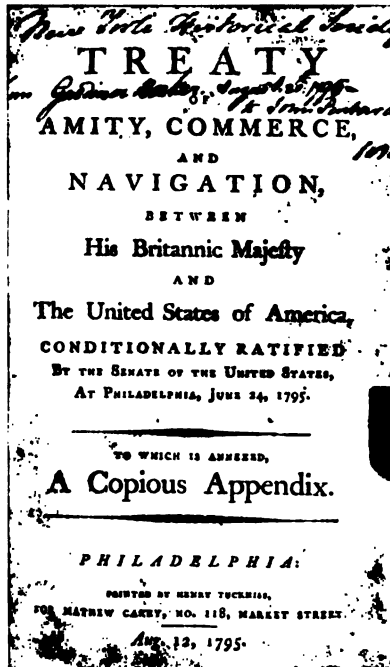
1795 the treaty itself was bitterly denounced by the Gallican party. About this time, Hamilton withdrew from the cabinet and resumed the more profitable practice of the law at New York City.

The Senate
Ratifies the
Treaty

Washington called a special session of the senate and, on the eighth of June, laid the treaty before that body for its action. In the senate there was much opposition to the ratification of the agreement. The article regarding the West India trade aroused special hostility; thanks to Eli Whitney's recent invention, cotton had become heir apparent to the throne and the prohibition against exporting it to Europe could not be accepted. As to this article, Jay undoubtedly had blundered. At last, by exactly the necessary two-thirds vote, the senate ratified the remainder of the treaty and advised that the obnoxious twelfth article be modified and that further negotiations be entered into regarding impressment.

June 24

The Treaty is
Made Public

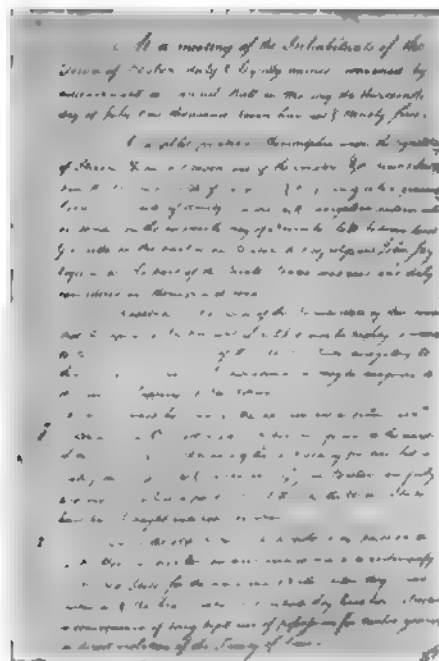


Title-page of the Jay Treaty published in Pamphlet Form

Two days after ratifying the treaty, the senate enjoined secrecy upon its members and adjourned. But then, as today, news of importance would "leak out" and, on the twenty-ninth, the substance of the treaty appeared in Bache's *Aurora*. The inaccuracies in this version so pained Stevens Thomson Mason, a Republican senator from Virginia, that, in disregard of the injunction of secrecy, he sent to Bache a true copy of the treaty with a note telling him to use it as he thought proper. Bache at once

published the treaty in pamphlet form and from Philadelphia copies were quickly carried to all parts of the country.

The publication of the treaty produced a great explosion of public indignation. In Boston, where hostility to "British" was intense, a town-meeting was held in Faneuil Hall. The treaty was unanimously denounced and a remonstrance containing twenty objections was drawn up. There had been riots at New York and, when Hamilton attempted to make a speech in defense of the treaty, he was stopped by a volley of stones. Denunciatory resolutions were adopted and a picture



Address of Boston Selectmen to Washington, protesting against Jay's Treaty, July 13, 1795

of Jay was burned. All over the country, Jay effigies and copies of the treaty were burned together, while such toasts as, "The Republic of America: May she never mistake Jay-birds for Eagles," were common. At Philadelphia, a crowd of carpenters bore through the streets a rude painting representing Jay as holding a balance in which American liberty and independence were outweighed by British gold and exclaiming: "Come up to my price and I will sell you my country." In Boston, the following inscription was chalked in large white letters: "Damn John Jay! Damn every one that won't damn John Jay!! Damn every one that won't put lights in his windows and sit up all night damning John Jay!!!"

The tumult was increased by the fact that England,

1795

Partisan Fury

1795 without waiting to learn what reception the treaty was accorded in America, had revived her obnoxious order to seize provisions found in a neutral ship bound for France, an unwarranted extension of the definition of contraband. This greatly increased the complication and Washington decided to withhold his signature, ordered Randolph, the secretary of state, to prepare a strong memorial against the order, and then left the capital for Mount Vernon on urgent private business.

The Fauchet-Randolph Intrigue

August 11

February 2

August 14

A Partisan Attempt

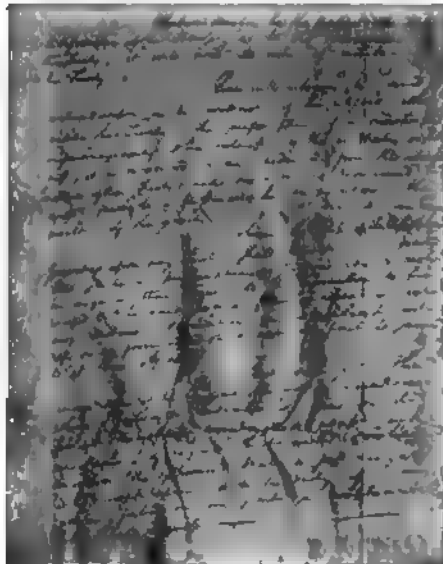
All the members of the cabinet favored ratifying the treaty except Randolph who desired delay in the hope that the public agitation would have its effect upon the president's mind. Early in August, Washington was summoned to Philadelphia by word that there was a "special reason" for his presence at the capital. At Philadelphia, he was shown a certain dispatch written by the French minister, Fauchet, to his home government. The vessel bearing the dispatch had been captured and the document had been transmitted to Hammond, the British minister to the United States. Hammond gave it to Oliver Wolcott Jr., who had succeeded Hamilton as secretary of the treasury, and Wolcott in turn showed it to Timothy Pickering who, in January, had succeeded Knox as secretary of war. The dispatch showed that Randolph had been engaged in an intrigue with Fauchet to further French interests and that the intrigue came perilously near to being corrupt. Without informing Randolph of his discovery, Washington called a cabinet meeting at which, in spite of Randolph's opposition, it was decided that the president should sign the treaty. Five days later, Randolph was summoned before his colleagues and was shown the compromising dispatch. He promised an explanation, but changed his mind and promptly sent in his resignation. Later disclosures showed that Randolph had not been guilty of corruption but they did not clear him of the charge of indiscreet behavior and a betrayal of his trust.

Before Jay's treaty could be put into execution, an appropriation was necessary; the appropriation could

not be made without the consent of the house as well as of the senate and the house contained a Republican majority. On the seventh of March, 1796, Edward Livingston of New York introduced in the house a resolution calling upon the president to transmit Jay's instructions "together with the correspondence and other documents relative to the said Treaty." Despite the opposition of the Federalists, the resolution was adopted by a large majority. Washington considered the request for a week and then refused compliance on the constitutional ground that the house is not a part of the treaty-making power.

On the resolution to carry the treaty into effect, the debate continued for two weeks. "Not a member, able to address the House without stammering and blushing, failed to rise and do so." The outcome was doubtful, but Hamilton, writing as "Camillus," and other Federalists had rallied to the defense of the treaty and public sentiment was beginning to change. Memorials from Boston, Salem, Providence, Hartford, Baltimore, and other towns, and even from Virginia, came to congress asking that the treaty be carried into effect and the petitions shook the resolution of some members of the Republican majority. The final blow was struck by Fisher Ames, who, though an invalid, appeared in his seat and made such a speech in behalf of the treaty as

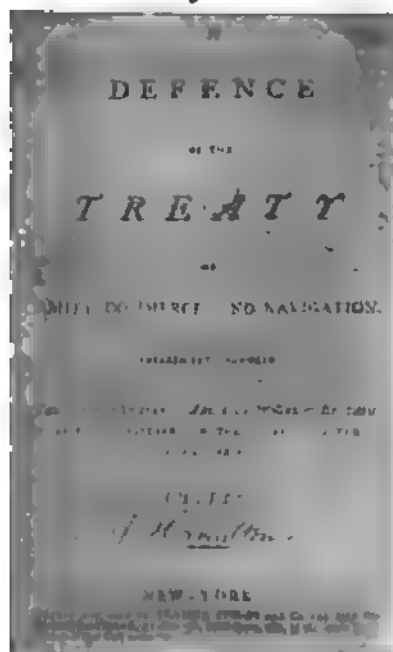
The Final Struggle



Hamilton's Draft of Washington's Refusal to Submit to the House of Representatives Papers regarding the Jay Treaty

April 28

1796 had never before been heard in congress. Among the listeners was John Adams who sat in the gallery with



April 29

The Fruit

Title-page of Hamilton's Pamphlet, *A Defence of the Treaty of Amity, Commerce, and Navigation*

Justice Iredell of the supreme court. "Our feelings beat in unison," wrote Adams to his wife. "'My God! how great he is,' says Iredell. . . . 'Noble!' said I. After some time, Iredell broke out, 'Bless my stars! I never heard anything so great since I was born.' 'Divine!' said I; and thus we went on with our interjections, not to say tears, to the end." The resolution was reported from the committee of the whole by the casting vote of the chairman and, on the following day, was adopted by a vote of fifty-one to forty-eight.

The treaty was far from satisfactory, but it is little likely that a better one could have been obtained and it is almost certain that it avoided a war for which the country was unprepared. As it was, the United States secured the withdrawal of British troops from her Northwest and an adjustment of claims for seizures whereby American merchants and ship-owners ultimately received more than ten million dollars. The commercial concessions secured were not liberal, but they formed, in Jay's words, "an entering wedge," and Great Britain was not bound to make any concessions at all. The British government did not renounce its claimed rights of impressment and of search—even the war of 1812 failed to do that. When that rupture with the mother country came, Lord Sheffield wrote: "We now

have a complete opportunity of getting rid of that most impolitic treaty of 1794, when Lord Grenville was so perfectly duped by Jay." At the end of a century, the Jay convention was celebrated at New York City as "the initial step in the creation and building up of the commerce of the young republic."

December 19,
1895

Considering the weakness of the United States, the treaty was a statesmanlike measure, but it was unpopular and Jay's forebodings as to his fate were fulfilled. His popularity never recovered from the blow then dealt to it, but his own state remained loyal to him. Five days before his return from England, he was elected governor of New York and, in 1798, he was elected for a second term. In 1801, he declined a reappointment to the chief-justiceship of the supreme court, tendered by President Adams. He passed the rest of his life at Bedford, his estate in Westchester County. He died in May, 1829, and of him Daniel Webster said: "When the spotless ermine of the judicial robe fell on John Jay, it touched nothing less spotless than itself."

What the
Treaty Cost
Jay

While our relations with Great Britain were thus improving, those with France were becoming correspondingly strained. When the American government asked for Genet's recall, France acquiesced and asked for the recall of Gouverneur Morris who had rendered himself *persona non grata* by his poorly concealed disapproval of the French revolution. Washington would have liked

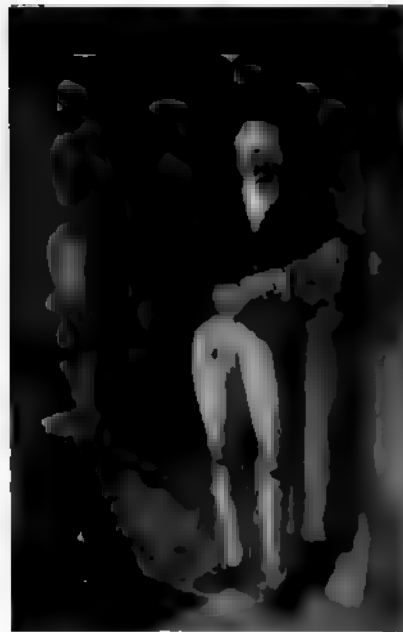


James
Monroe is
sent to
France

Gouverneur Morris

1794 to transfer Pinckney to Paris, but Jay declined to take Pinckney's place in England and James Monroe was finally selected. Monroe's instructions, written by Randolph, then secretary of state, provided that he was to "let it be seen that, in case of war with any nation on earth, we shall consider France as our first and natural ally. You may dwell upon the sense which we entertain of past services." As to Jay's negotiations, he was told that he might "declare the motives of that mission to be, to obtain immediate compensation for our plundered property, and restitution of the posts," and that Jay was

May



Monroe's
Reception

James Monroe

to do nothing "to weaken the engagements between this country and France." Monroe was a Republican, with a Republican's sympathy for France and a Republican's belief that the terms of our treaty with France were binding on us. He naturally interpreted his instructions liberally.

Monroe arrived at Paris on the second of August, soon after the fall of Robespierre. At that time, no other nation had a representative in France and the committee of public safety hesitated to receive him. "I

waited," says Monroe, "eight or ten days without progressing an iota." On the fourteenth of August, however, a decree was passed to the effect that he should "be introduced into the bosom of the Convention to-morrow at two P. M." At the appointed time, Monroe appeared, delivered a very flattering speech, presented his credentials, and "laid before the Convention the declarations of

August 15

the Senate and House of Representatives, as conveyed to me by the President, through the Secretary of State, with an assurance that I was authorised to declare, that the President was actuated by similar sentiments." In his reply, Merlin de Douai, the president of the national convention, said: "You see here the effusion of soul that accompanies this touching and simple ceremony. I am impatient to give you the fraternal embrace, which I am ordered to give in the name of the French people. Come and receive it in the name of the American people, and let this spectacle complete the annihilation of an impious coalition of tyrants." As chronicled by *Le Moniteur*, "The Minister was conducted to the President who gave the kiss and the embrace [*l'accolade*] in the midst of universal acclamations of joy, delight and admiration." Subsequently, the convention ordered that the flags of the United States and of France should be displayed together in the convention hall as a "sign of the Union and eternal fraternity of the two people." Acting for Monroe, his nephew, Captain Barney, presented a flag to the convention and received the compliment of an accolade and the offer of a commission in the French navy.

While these acts made Monroe very popular in France and revived the old feeling of friendship for America, they aroused protests in England and anger at home. The Federalists raged and Randolph, in deference to the wishes of the president and cabinet, found it necessary to write to Monroe deprecating the "extreme glow" of some parts of his address. The reproof was made "with the frankness of friendship" and neutralized by a private letter written three days later.

Randolph's
Reproof

Remote from home, from which he seldom heard, owing partly to the neglect of the state department and partly to the activity of English cruisers, and ill informed as to Jay's negotiations on the other side of the English Channel, Monroe was practically left to his own devices. In seeking the repeal of certain French decrees that were injurious to American commerce and reparation for

Washington's
Judgment

1 7 9 5 vessels seized by French cruisers, he failed to speak as
 1 7 9 6 vigorously as his government thought desirable. Washington later wrote: "The truth is, Mr. Monroe was cajoled, flattered, and made to believe strange things. In return he did, or was disposed to do whatever was pleasing to that nation—reluctantly urging the rights of his own." This was probably too severe, but, in truth, Monroe was not the man to do the work the administration wanted done. At the same time, it is probable that had a pro-British Federalist been in his place, we should have become involved in a disastrous war with France.

An Angry Ally It was not long before Paris received rumors of Jay's negotiations at London. In his replies to French inquiries, Monroe confidently followed his instructions and answered that Jay was without power to make a commercial treaty and that there was no reason for French jealousy. About the middle of August, 1795, American journals that contained the exact terms of the treaty arrived in France and made Monroe stand aghast. The French were greatly exasperated by what they considered the treacherous conduct of their old ally, for, though the treaty stipulated that nothing within it should "be construed or operate contrary to former and existing treaties with sovereigns or States," there was no question that some of its articles did contravene at least the spirit of the treaty of 1778. Efforts were made to soothe the French minister to the United States and Monroe was instructed to follow a similar course in France. But, wholly out of sympathy with the treaty, Monroe failed to carry out his instructions. When Randolph retired from the cabinet after the Fauchet incident, Pickering, his Federalist successor, wrote to Monroe severely censuring his conduct and explicitly stating the justification that should be advanced to France. Monroe kept these instructions to himself for more than two months, but finding that the directory (which was now at the head of French affairs) was about to send a special envoy to the United States to force a crisis, he set about his task and, by urging the consequences of a breach between the two

countries and probably pointing out the disastrous effect that such a step would have on the French party in the United States, managed to get the plan abandoned. 1 7 9 6

While Monroe thus failed to obey his instructions he did not fail to keep the French government informed as to the fight against the treaty that was going on at home and, for some months, the directory refrained from "ungentle remonstrance." But, when news came of the final failure of the opposition, it assumed a more aggressive attitude. Pierre Auguste Adet had been sent, in 1795, as the French minister to the United States; his functions as a minister were now suspended, but he was kept in America to watch the political situation. On the second of July, 1796, a decree was issued declaring that the French Republic "will treat neutral vessels, either as to confiscation or as to searches and capture, in the same manner as they suffer the English to treat them"—a practical repudiation of the obligations of the treaty of 1778. French cruisers had already seized American vessels and the pernicious activity was now greatly increased. The capture in Delaware Bay of an English-owned vessel that had been fictitiously registered in the name of her American builder convinced Washington that a more energetic negotiator and one more in sympathy with the administration was needed at Paris. Monroe was recalled and Charles Cotesworth Pinckney was sent out to succeed him.

Monroe
Recalled



Autograph of Adet

him.

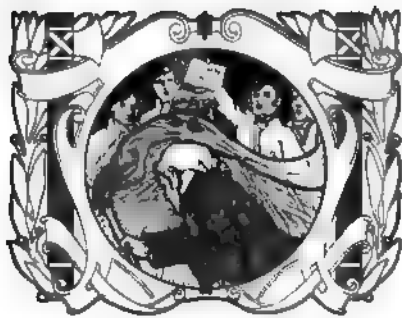
August 22

By December, Pinckney was at Paris. But the members of the directory ("Monsieur Five Heads" Fisher Ames called them) were very angry at what they considered American perfidy; they refused to receive Monroe's successor and announced that no minister from the United States would be recognized until the grievances that France complained of had been redressed. Monroe was

Pinckney
Rejected

December 12

1796 given the dubious honor of a farewell reception, but Pinckney was reminded that the law forbade any foreigner to stay more than thirty days in France without permission. As he refused to ask for such permission, he was ordered to leave the country. He went from Paris to Amsterdam and soon returned to America.





C H A P T E R I X

T H E F I R S T R E B E L L I O N

IT can hardly be expected that a country will suddenly come out of chaos and pass under a strong government without some kind of a protest from some of its people. General acquiescence is particularly unlikely where the country is large, the population cosmopolitan, and the industries diversified. Laws that may be advantageous to most of the sections may seem oppressive to some other section. One must always reckon with an innate quality of human nature that dislikes to submit to authority—a tendency likely to be the more pronounced when for a long period the bonds of obedience have been loosened or non-existent. As we have already seen, the new federal government had not long been in operation before there was an opposition party criticising and opposing many of the measures and policies of the administration. Although this party indulged in denunciation that was often severe and sometimes inflammatory, it never went beyond peaceful methods; however much they might dislike the Federalist program, Jefferson and Madison were not men to put themselves at the head of an armed rebellion. But there were others who were less peacefully inclined and, only five years after his first inauguration, Washington found it necessary to uphold the authority of the government by military force. The excise tax upon the domestic manufacture of spirituous liquors, enacted by congress in accordance with the

Human
Nature

May 3, 1791

1791 credit, had been acquiesced in by most of the sections
 1794 of the country, but there was great opposition to it in
 the mountainous regions of the South and in western
 Pennsylvania.

Monongahela
 Whiskey

The western Pennsylvania of that day was divided into four counties, Fayette, Westmoreland, Allegheny, and Washington. It had a population of about seventy thousand scattered over a country nearly as great as Scotland or Ireland. Pittsburg was the seat of justice and the only place that could be called a town, and it had only about twelve hundred inhabitants. Outlet for the products of the region by way of the Ohio and the Mississippi was made impossible by Indians and Spaniards, while at the east towered high mountain ranges through which it was difficult to pass save on foot or on horseback. To carry their grain to market would cost the people more than the market value of the crop. Money was scarce and the farmer, having no market for his produce, reduced its bulk by converting much of his grain into whiskey and his surplus supply of apples and



Map to Illustrate the "Whiskey Rebellion"

peaches into brandy. His horse "could carry two kegs 1 7 9 1 of eight gallons each, worth about fifty cents per gallon 1 7 9 4 on this, and one dollar on the other side of the mountains, while he returned with a little iron and salt, worth at Pittsburg, the former fifteen to twenty cents per pound, the latter five dollars per bushel." The still was therefore the necessary appendage of almost every farm. A large part of the inhabitants of the region were Scotch-Irish, a religious and warlike race, with many admirable qualities but quick to anger and ready to resist oppression, rather rough and somewhat lawless, and with an inherited hatred of excise laws and excise officers.

While the federal excise bill was pending and after it ^{Protests} was passed, the Pennsylvania legislature adopted resolutions opposing it. Similar action was taken by the legislatures of Virginia, Maryland, the Carolinas, and Georgia. On the twenty-seventh of July, 1791, a mass-meeting to protest against the law was held at Red Stone Old Fort (Brownsville) on the Monongahela. A certain Colonel Cook was chairman of the meeting, and Albert Gallatin, a Genevan who had come to America in 1780 and was a member of the state legislature,



Albert Gallatin

was its secretary. An agreement was reached that each county should be recommended to hold meetings at its seat of justice and to select three delegates to meet at

- 1 7 9 1 Pittsburg with delegates from the other counties on the
 1 7 9 2 first Tuesday of September and there to express the sense
 of their constituents respecting the excise law. On the
 twenty-third of August, the Washington County meeting
 adopted violent resolutions, while those later adopted at
 the general meeting at Pittsburg have been described as
 reading "more like a declaration of grievances as a basis
 for revolution than a petition for special redress."

Amendment

March 5,
1792

When the federal officials attempted to collect the whiskey tax, they were mobbed in three of the four counties. Unwilling to proceed to extremities and doubtless influenced by the action of the legislatures, congress referred the law to the secretary of the treasury with instructions to report concerning the difficulties experienced in enforcing it and whether any of the desired changes could be made. Although indignant at the action of the people in setting the federal laws at defiance, Hamilton complied with the congressional order and, two months later, the law was amended. This new act, which was to take effect at the end of the following June, lowered the rate and made other changes intended to benefit the distillers.

**The Conflict
Deepens**

These modifications of the law failed to allay the discontent. Many of the western distillers were opposed to paying any tax, while all of them felt that it was unjust to force them to pay as high a rate as was imposed east of the mountains where the product was worth twice as much. The scarcity of money in the West and the lack of any provision in the law whereby the tax could be paid in kind increased the burden that the tax imposed. On the twenty-first of August, 1792, a meeting was held at Pittsburg. Gallatin, who was moderate in his views, was chosen secretary. Among the other leaders were James Marshall, John Smilie who was a representative in congress, and James Bradford, a loose demagogue whom Gallatin later characterized as a "tenth-rate lawyer and an empty drum." A committee, of which Gallatin was a member, was appointed to draw up a remonstrance to congress; a committee of correspondence was

appointed; and the violent resolutions passed the year 1792 before at the Washington County meeting were adopted. These resolutions were to the effect that in case any among them should accept the office of collector, "we will consider such persons as unworthy of our friendship; have no intercourse or dealings with them; withdraw from them every assistance, and withhold all the comforts of life which depend upon those duties that as men and fellow-citizens we owe to each other; and upon all occasions treat them with that contempt they deserve; and that it be, and is hereby, most earnestly recommended to the people at large, to follow the same line of conduct towards them." The spirit of remonstrance and coercion herein manifested is worthy of the patriots of the opening years of the struggle for American independence. The petition to congress, which was written by Gallatin, was more moderate in tone. It pointed to the injustice of collecting the same duty on the west side of the mountains as upon the east; represented that "a duty laid on the common drink of a nation, instead of taxing the citizens in proportion to their property, falls as heavy on the poorest class as on the rich;" and emphasized the fact that their distance from a market forced the inhabitants of the western counties to convert their bulky grain into whiskey.

This roused Hamilton to indignation and he appealed to the president to punish the offenders. From Mount Vernon, Washington wrote to Hamilton that if the disorders continued he should "exert all the legal powers with which the executive is invested to check so daring and unwarrantable a spirit. It is my duty to see the laws executed. To permit them to be trampled upon with impunity would be repugnant to it; nor can the government longer remain a passive spectator of the contempt with which they are treated. Forbearance, under a hope that the inhabitants of that survey would recover from the delirium and folly into which they were plunged, seems to have had no other effect than to increase the disorder." A proclamation, drafted by Hamilton and

A Presidential
Proclamation

September 7

1791 warning the people not to resist the law, exhorting them
 1794 to desist from unlawful combinations, and charging all
 courts, magistrates, and officers to enforce the law, was
 soon issued.

A Lull in the
 Disorder

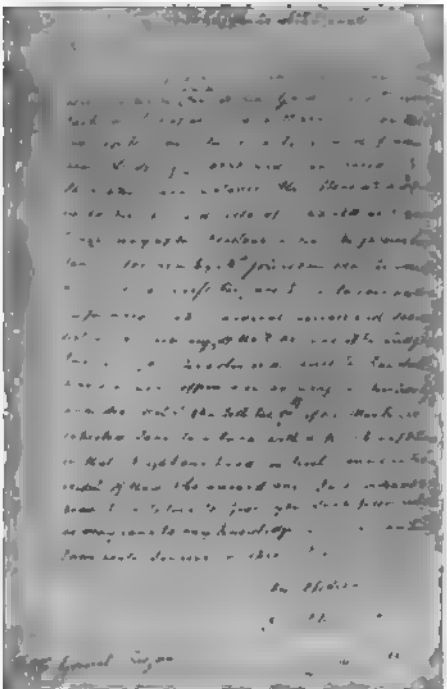
The proclamation had a good effect. In the South the opposition to the excise gradually disappeared, and even in western Pennsylvania there was a marked diminution in the rioting. Some of the larger distillers came to regard the law with favor, for it tended to give them a monopoly of the business by forcing the smaller producers to bring their grain to them. Thoughtful and influential persons discouraged resistance to the law, for they saw that it tended to increase other forms of lawlessness and to encourage visionaries to inveigh against courts of justice and all governmental restraint. For almost two years no public meetings were held.

The First
 Blood-letting

In this period, there were five or six riots or assaults; the collector for Washington and Allegheny counties had his hair cut off and was tarred and feathered, other officers were similarly treated, two distillers who had consented to abide by the law were attacked, and one had his still destroyed. There was much dissatisfaction because those arrested were haled all the way to Philadelphia for trial, a grievance similar to the attempted transportation of revolutionary agitators "beyond seas for trial." In June, 1794, congress passed an act to remedy the grievance by giving to the states concurrent jurisdiction in such cases. As the new statute was not retroactive, Marshal Lenox had to serve certain writs issued on the thirty-first of May and returnable at Philadelphia. Unfortunately, the writs were served in "the midst of harvest, which usually brought a number of persons together in every neighborhood. The time was regarded as a kind of Saturnalia, when liquor was freely drunk by those who assembled to assist each other in taking off the grain with the sickle, no speedier method being then in use." The marshal succeeded in serving thirty-nine of his forty writs without opposition. After serving the fortieth, he and General Nevill, the inspector of excise,

were followed by a party of armed men, one of whom 1 7 9 4
fired a gun. The next day, Nevill's house was attacked,
but the assailants were driven off with a loss of six wounded.
Blood had been shed and an uprising followed. Soldiers
were sent from Pitts-
burg to guard Nevill's
house, but it was
again attacked and,
after more bloodshed,
was destroyed. The
next day, two of the
insurgents came into
Pittsburg and de-
manded that the mar-
shal should surrender
the processes in his
possession and that
the inspector should
resign. They refused
to do this and fled
down the Ohio to
Marietta, whence they
traveled by a circui-
tous route to Phila-
delphia.

The spirit of resist-
ance spread rapidly.
In Fayette County,
the collector's com-
mission was taken
from him and the
sheriff refused to per-
form his duties. At a
meeting at Union-
town, the county seat,
Smilie and Gallatin
being present, it was
decided to submit to
the law, but, in Wash-



Letter by John Nevill to Daniel Morgan

The Call to Arms

[TRANSCRIPT: "PITTSBURGH, 28th Novr. 1794.
"Dear Sir
"I have received information as you will see by the
inclosed that Author Gardner and Benjamin Parkinson
Two of as noted Villians as any on this side of the Moun-
tains has Returned from Their hiding places and is Supposed
to be somewhere about Squier Hamiltons at this time,
Could they be Laid hold of, it would be a Great Prize, any
of the Prestons in that Neighbourhood I am informed by
Mr. Johnson may be relied on in this business, they are
his relations and informers, I expect several rascals will
soon Return on hearing of the Depature of the Judges,
Just in your Quarter is a James Kirkendall, who was very
officious in burning my property and did not sign till the 17th
of the month, is expected soon to return with a Number of
others in that Neighbourhood in short you are in the
midst of those who ruined me. I will endeavor from time
to time to Give you such Information as may come to my
knowledge in the meantime I am with Sincer respect Sir
your Most Obedient
Humble Servant
"MAJO. GENERAL MORGAN. JOHN NEVILL." July 20

ington County, a meeting followed the lead of Bradford and others of the more violent class and issued an invitation to the townships of the western counties of Pennsylvania and of the neighboring counties of Virginia to send representatives to a meeting at Parkinson's Ferry on the Monongahela. Before the arrival of the day set for the meeting, Bradford caused the eastbound mail to be robbed to find out who were sending reports of the high-handed doings. A circular, signed by Bradford, Marshall, and others, was also issued calling upon the militia and volunteers to assemble at Braddock's Field on the first of August. The avowed purpose of the gathering was an attack on Pittsburg and the capture of the military stores there.

July 28

The Invasion
of Pittsburg

On the appointed day, armed men assembled in great numbers at the historic rendezvous. Conspicuous on the field was Bradford who had assumed the rank of major-general. Mounted on a superb horse in splendid trappings and dressed in full martial uniform with plumes floating in the air, he rode here and there with drawn sword, giving orders, and haranguing the multitude. The temper of the crowd was violent and the more moderate leaders were at times in danger. One of the chief subjects of conversation was the taking of the fort at Pittsburg, a design that was abandoned. It was decided, however, to march through the town and, on the following day, this was done. The inhabitants of the city were greatly alarmed, but the insurgents did no damage beyond burning a building belonging to Major Kirkpatrick of the garrison. The "Whiskey Boys" were treated to refreshments and Judge Brackenridge records that he contributed four barrels of his best old rye to the cause of peace.

August 2

The Public
Temper

This ebullition did not end the insurrection. Wells, the collector for Fayette and Westmoreland counties, was forced to resign his commission and his house was burned, while Webster, the collector for Bedford County, was compelled to tear up his papers and to trample them under foot. Liberty poles bearing such mottoes as "An equal tax and no excise," and "United we stand, divided

we fall," with the old emblematic device of a divided snake, were everywhere raised, and notices signed "Tom the Tinker" and threatening individuals or admonishing them not to obey the excise law, were posted on trees and other conspicuous places. Brackenridge later wrote: "I had seen the spirit which prevailed at the Stamp Act, and at the commencement of the revolution from the government of Great Britain, but it was by no means so general and so vigorous amongst the common people as the spirit which now existed in the country."

News of the insurrection soon reached Philadelphia. It was the duty of the governor to suppress the uprising, but Mifflin was timid and declared his opinion to be that "the militia which can be drawn forth *will be unequal to the task*." In the president's cabinet there was a difference of opinion as to the course to be pursued. Randolph favored exhausting every means of pacification before resorting to force. On the other hand, Hamilton was anxious to use the full power of the federal government to enforce respect for its authority. He saw that if one section of the country was to be allowed to set at defiance a law enacted by the majority of representatives from the whole there would soon be an end to all government. He, therefore, advised Washington "that a competent force of militia should be called forth; and employed to suppress the insurrection, and support the civil authority, . . . the very existence of the Government demands this course." On the seventh of August, the president issued a proclamation commanding the insurgents to disperse and warning all persons "against aiding, abetting, or comforting the perpetrators of the aforesaid treasonable acts." He also made a requisition upon Maryland, Virginia, Pennsylvania, and New Jersey for twelve thousand militia (a number afterwards increased to fifteen thousand) to be ready for service by the first of September. In the hope of bringing the rebels to submit before the troops arrived, he sent three commissioners to the disaffected region. With them Mifflin sent two others to represent the state.

A Call for
Troops

August 2

1794

The
Parkinson
Ferry
Convention

On the fourteenth of August, two hundred and twenty-six delegates, including Bradford, Marshall, Brackenridge, and Gallatin, assembled in a grove at Parkinson's Ferry in response to the Washington County call of the month before. In full view of the delegates stood a liberty pole bearing the motto, "Liberty and no excise and no asylum for cowards." Besides the delegates, there were many who had gathered to watch the proceedings. Gallatin was chosen secretary. A resolution declaring against the taking of citizens "from their respective abodes or vicinage to be tried for real or supposed offense" was unanimously agreed to. A second resolution favoring the creation of a committee of public safety "whose duty it shall be to call forth the resources of the western country to repel any invasion that may be made against the rights of the citizens or the body of the people" was supported by Bradford and opposed by Gallatin. Its adoption would have been tantamount to a declaration of war and it was withdrawn. Ultimately, a committee of twelve, including Gallatin, Brackenridge, Bradford, and Marshall, was appointed to confer with the peace commissioners who had arrived while the meeting was in session. Another committee of sixty was chosen with power to summon the people to another meeting should it be thought necessary.

Peace
Negotiations

August 22

The committee of twelve and the peace commissioners had their first conference at Pittsburg on the twentieth of August, the day on which Wayne defeated the western Indians in the famous battle of Fallen Timber. After considerable discussion and correspondence, the commissioners laid down terms of submission that would "be deemed full and satisfactory." These included a declaration to be made by the general committee, on or before the first of September, of their determination to submit to the laws, and a like declaration to be made by the people on or before the fourteenth of the same month. In case there was a general and sincere acquiescence in the execution of the laws, there were to be no prosecutions for treason or other indictable offenses and

1794 "certain beneficial arrangements for adjusting delinquencies and prosecutions for penalties, now depending" were to be made. All of the twelve except Bradford favored submission and a report to that effect was made to the committee of sixty which held a new meeting at Brownsville. Bradford, who had gone too far to hope for pardon, vehemently opposed submission; with the moral support of the presence of a band of riflemen, he even used the word "independence" in his harangue. Gallatin, Brackenridge, and others spoke in favor of submission. A secret ballot was held and, by a vote of thirty-four to twenty-three, the peace party triumphed. A new conference committee was then chosen and entered into negotiations with the commissioners in the hope of improving the imposed conditions and securing further time. In the end they accepted terms less favorable than those previously proposed.

August 28

Light Horse
Harry in
Command

September 24

By this new agreement each citizen was to be required publicly to announce his determination to submit to the national government. Steps were taken to obtain such an expression of opinion, but the settlement was so unpopular and the test required was so offensive that the number of persons who formally submitted was small; there were abundant signs that a rebellious spirit was still abroad. Consequently, the commission returned to Philadelphia and made an unfavorable report. On the following day, Washington issued a proclamation of warning and ordered the militia to suppress the insurrection. The Pennsylvania and New Jersey troops, commanded by Governor Mifflin and Governor Howell, went by way of Carlisle and Bedford. The Marylanders and Virginians, under General Samuel Smith and General Daniel Morgan (the hero of the Cowpens), advanced by



Autograph of Henry Lee

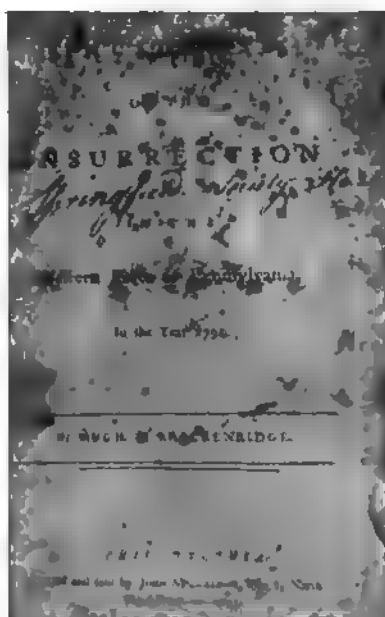
way of Cumberland and the old Braddock Road. The chief command was given to

Governor Henry Lee of Virginia. Washington accompanied the army as far as Bedford and thence returned in order to be at the capital when congress assembled. Hamilton accompanied the troops to Pittsburg.

At Carlisle, two commissioners from the insurgents met the army and endeavored to explain why the submission had not been more generally signed. They also stated that all opposition or appearance of opposition had ceased. But Washington refused to countermand the march and the troops continued on their way over the mountains.

On the eighth of November, the two wings of the federal army formed a junction at Parkinson's Ferry—but they found no enemy to fight. The submissions had been almost universally signed and, at a meeting held at Parkinson's Ferry, it was resolved that the civil authority was competent to punish breaches of the law, that persons charged with offenses would be surrendered, and that the people were ready to comply with the terms of the excise law. Bradford fled down the Ohio to Spanish territory and many followed his example. It was estimated

that "between one and two thousand men with rifles in their hands, had withdrawn and remained until the army left the country." In the earlier stages of the insurrection, many had left western Pennsylvania to avoid the promised punishment. Many of the Kentucky contingent that joined Wayne's army at Cincinnati and many more who had been recruited for that army in Pennsylvania



Title-page of a Volume on the "Whiskey
Insurrection," published in 1795

The End of the Insurrection

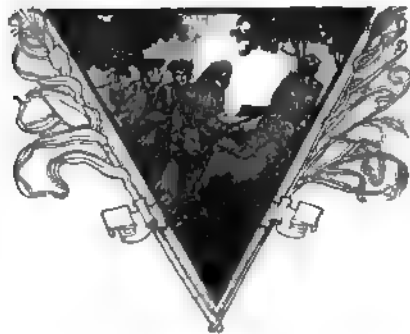
October 24

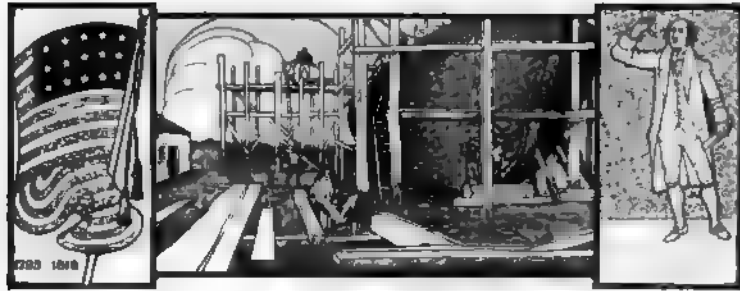
1794 were of these "prosecuted and persecuted" Scotch-Irish, of which blood Wayne himself was. An Ohio historian says that "many of Wayne's smartest scouts at Fallen Timbers were of these people." Of the insurgents who did not leave their homes, about two hundred were arrested and some of them were taken to Philadelphia for trial. Morgan remained with twenty-five hundred troops to insure continued quiet and the rest of the army returned home. There was no further rioting and the payment of the expenses of the army enabled the farmers to pay their taxes. In the following year, some of the prisoners were tried for treason and two were convicted and sentenced to death, but Washington pardoned both. After the signing of the treaty of Greenville by Wayne and the western Indians in 1795, many of the victims of the excise tax took up homes in the territory ceded. Thus the "Whiskey Insurrection" in Pennsylvania and Wayne's famous victory on the Maumee, both in 1794, were two "notable factors in the settlement of Ohio by Scotch-Irish Presbyterians."

The
Importance of
an "Episode"

The suppression of the insurrection cost the government about eight hundred thousand dollars, but rarely has money been expended to better purpose. The full significance of the "Whiskey Rebellion" has often been missed by those interested in the development of a great nation. In the words of Mr. Lodge, "everything has conspired to make it seem, after a century has gone by, both mean and trivial. Its very name suggests ridicule and contempt, and it collapsed so utterly that people laughed at it and despised it. Its leaders, with the exception of Gallatin, were cheap and talkative persons of little worth, and the cause itself was neither noble, romantic, nor inspiring. Nevertheless, it was a dangerous and formidable business, for it was the first direct challenge to the new government. . . . It came, as it almost always does come, to one man to make the answer. That man took up the challenge. . . . The action of the government vindicated the right of the United States to live, because they had proved themselves

able to keep order. It proved to the American people that their government was a reality of force and power. If it had gone wrong, the history of the United States would not have differed widely from that of the confederation. No mistake was made, and the people regarded the whole thing as an insignificant incident, and historians treat it as an episode. There could be no greater tribute to the strong and silent man who did the work and bore the stress of waiting for nearly five years. He did his duty so well and so completely that it seems nothing now, and yet the crushing of that insurrection in the western counties of Pennsylvania was one of the turning-points in a nation's life." 1794





C H A P T E R X

THE LAST YEARS OF WASHINGTON'S PRESIDENCY

Cabinet
Changes

January 31,
1795

AFTER having successfully defended himself against a bitter attack upon his official integrity, Hamilton had retired from office as already recorded. His advice on important matters was still sought by Washington and it is probable that he continued to exercise more real influence upon the conduct of affairs than did the actual members of the cabinet. Knox had resigned a month before and Randolph made his exit in the following August as already related. The president found it difficult to fill the positions thus made vacant for the prospect of being made the target of bitter partisan attacks was not attractive. To the treasury he appointed Oliver Wolcott Jr., Hamilton's understudy and a good accountant but lacking in originality. As secretary of war he selected Timothy Pickering of Massachusetts, a man of energy and ability but ambitious and vindictive. Five men of distinction—Paterson of New Jersey, Johnson of Maryland, Charles Cotesworth Pinckney of South Carolina, Patrick Henry of Virginia, and King of Massachusetts—declined to accept Randolph's portfolio and ultimately the president transferred Pickering to the state department. After Pickering's promotion, the secretaryship of war was offered to Colonel Carrington of Virginia and Governor Howard of Maryland; it was finally accepted by James McHenry of Maryland. McHenry was Washington's personal friend, but Washington himself admitted that it was a "Hobson's

choice." William Bradford, who had succeeded Randolph as attorney-general, died in August, 1795, and, after John Marshall had declined it, Charles Lee accepted the office. Lee was chosen partly because of his family connections and partly because he was the only prominent Virginia Federalist who would take the office.

The withdrawal of Randolph marked the end of Washington's attempt to maintain a non-partisan or bi-partisan cabinet. From this time forward, all of his official advisers were Federalists. He had striven hard against the change, for he regarded party "as a gangrene, a cancer, which patriotic statesmen should combine to eradicate." "Abhorrence of party spirit raged in the bosoms of the fathers;" it was not then understood that parties are an inevitable and inherent accompaniment of popular government. *The Federalist*, for example, is full of references to "the pestilential influence of party animosities" and, in his *Farewell Address*, Washington said that "there is an opinion that parties in free countries are useful checks upon the Administration of the Government, and serve to keep alive the Spirit of Liberty.—This within certain limits is probably true—and, in Governments of a Monarchical Class, Patriotism may look with indulgence, if not with favour, on the spirit of party.—But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged."

Meanwhile, there had been other interesting changes in the workings of the political system. Hamilton had hoped to secure unity of administration through the ministerial leadership of departmental heads, but the failure

December 10,
1795



Doctor James McHenry
(From painting owned by the heirs of
Doctor James McHenry)

Party Spirit

The Cabinet
not a Ministry



SENATE CHAMBER AT PHILADELPHIA
(Showing balcony erected for visitors)

of the secretaries to obtain seats in congress or even the right to personal hearings there had been a heavy blow to the plan. Another was the creation of the house committee of ways and means instead of taking direct action upon the financial plans submitted by the secretary of the treasury. Specific instead of general appropriations for the use of the executive departments also tended to diminish the power of the executive in financial legislation, as did the extension of the standing committee system in other directions. Two years after his retirement from office, Hamilton wrote to Fisher Ames: "The heads of departments are chief clerks. Instead of being the ministry, the organs of executive power, and imparting a kind of momentum to the operation of the laws, they are precluded from communicating with the house even by reports. . . . Committees already are the ministers."

Hitherto, the senate had deliberated in secret, but it now opened its doors to the public except during executive sessions—a step in the direction of democracy. Another change was in the constitution itself, the direct result of a suit instituted by a citizen of South Carolina against the state of Georgia. When the case came up for trial in the United States supreme court, Georgia refused to plead and protested against the exercise of jurisdiction; the court postponed the case until the fifth of February, 1793. Meanwhile, the Georgia legislature resolved that the supreme court had no constitutional authority to force a state to answer a process and that the state would not be bound by any judgment. But the supreme court issued an order to the effect that if Georgia did not appear or show cause by the first day of the next term, judgment would be rendered by default. But there were other commonwealths that feared their creditors and the doctrine of states' rights was strong throughout the country. Sedgwick of Massachusetts at once introduced into the senate a constitutional amendment providing that a state cannot be sued in a federal court by a citizen of another state or of a foreign state. The amendment

The Eleventh
Constitutional
Amendment

1793 passed the senate on the second of January, 1794, and
1798 the house on the fourth of March. Meanwhile, Georgia
threatened to hang any officer who should attempt to
execute such a judgment. The amendment was ratified
by a sufficient number of states and was promulgated as
part of the constitution. The chief effect of the amend-
ment has been to allow a dishonorable repudiation of
state debts.

January 8,
1794

The Flag of
Fifteen Stars
and Stripes
January 13,
1794

The admission of Vermont and Kentucky as states
called for a modification of the flag of thirteen stars and
thirteen stripes and it was therefore enacted "that from
and after the first day of May, one thousand seven hun-
dred and ninety-five, the flag of the United States shall
be fifteen stripes, alternate red and white, that the Union
be fifteen stars, white, in a blue field." This was the
national standard until 1818 when a change was made to
thirteen stripes and twenty stars, with one star to be
added to the flag for each state added to the Union, the
change to be made on the fourth day of July next suc-
ceeding such admission.

The New
Navy



Attack on the Ship "Columbia"

Owing largely to the fact that European wars had
thrown much
of the carry-
ing trade to
American ves-
sels, the com-
merce of the
United States
was greatly
increased and
made very
profitable. In
1790, the ship
"Columbia,"

Captain Rob-

ert Gray, returned to Boston by way of Canton, China,
the first to carry the American flag around the globe.

Gray made a second voyage on which he discovered the
mouth of a great river to which he gave the name "Colum-

May 11, 1791

bia," that of his own vessel. By this time, the corsairs of Algiers and of other Barbary powers had begun to seize American seamen, ships, and merchandise and to hold them for ransom money as they long had done with those of European nations. In the political chaos that followed the Revolutionary war, most of the few remaining ships of the American navy were sold. Under the new government that followed the adoption of the constitution, maritime affairs were left to the care of the secretary of war. In 1794, the English orders in council inflamed public feeling in America as related in a preceding chapter, the Barbary corsairs held more than a hundred American captives, and the dey of Algiers refused to negotiate a treaty unless all tribute that he reckoned as being in arrears was paid. Under such conditions and in opposition to a strong sentiment against a standing army or a permanent naval force, congress authorized the building of six frigates, the "Constitution," the "President," and the "United States" of forty-four guns each, and the "Chesapeake," the "Congress," and the "Constellation" of thirty-six guns each. The



Captain John Barry

secretary of war reported that these vessels "separately would be superior to any European frigate of the usual dimension." On the fifth of June, John Barry, Samuel

March 27

1794 Nicholson, Silas Talbot, Joshua Barney, Richard Dale,
 1795 and Thomas Truxton, all of whom had taken parts in
 the struggle for independence and four of whom had
 been captains in the old navy, were chosen as captains in
 the new navy. Barney declined to serve and James Sever
 July 18, 1794 was appointed in his place. The "United States," the
 "Constellation," and the "Constitution" were launched
 in 1797, but the signing of the Jay treaty in 1794, and of
 a treaty with the dey of Algiers in 1795 removed the war
 pressure, and the timber and other material that had
 been secured for the other frigates were sold.

Humiliating
Treaties

In the senate, the movement for an increase of the
 army and the re-creation of the navy was opposed as
 "the entering wedge of a new monarchy in America."
 In the house, it was urged that the contemplated force
 was inadequate, that the finances of the nation did not
 justify expensive fleets, that sacred duty and sound policy
 demanded the payment of the public debt, that older
 and more powerful nations bought the friendship of
 Algiers and we might do the same, or that we might
 subsidize some of the European naval powers to protect
 our trade. In 1795, following long-established European
 precedents, the United States made a treaty with the dey
 of Algiers giving as the price thereof money and presents

With Algiers



Autograph of David Humphreys

to the amount of a million
 dollars and pledging an
 annual tribute of about
 twenty-two thousand dol-
 lars. David Humphreys,
 the United States minister
 to Portugal, sent Joseph Donaldson to Algiers as special
 agent for that purpose. The treaty was concluded on the
 fifth of September and approved and signed by Humphreys
 at Lisbon on the twenty-eighth of November, 1795.
 According to a clause in the final paragraph, the treaty
 was in "consideration of the United States paying annu-
 ally the value of twelve thousand Algerine sequins in
 maritime stores." As the United States was almost
 powerless on the sea, it accepted the humiliating terms.

With like purpose, treaties were soon after made with Tripoli and Tunis. The treaty with Tripoli was "guaranteed by the most potent dey and regency of Algiers" and was signed on behalf of the United States by Joel Barlow who had been appointed special agent for that purpose. Its tenth article provided that "the money and presents demanded by the bey of Tripoli, as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship are acknowledged to have been received by him previous to his signing the same, . . . and no pretence of any periodical tribute or further payment is ever to be made by either party." The spirit of these negotiations is well illustrated by two articles of the later treaty with Tunis. The fifth article provided that "if the corsairs of Tunis shall meet at sea with ships-of-war of the United States, having under their escort merchant-vessels of their nation, they shall not be searched or molested. . . . The American ships-of-war shall act in like manner toward merchant-vessels escorted by the corsairs of Tunis." The thirteenth article provided that "if any among the crews of merchant-vessels of the United States, there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves."

1 7 9 4
1 7 9 5
With Tripoli
January 3,
1797

With Tunis
March 26,
1799

By this time, the Republicans were lampooning the Federalists as monocrats and the Federalists were retorting by denouncing their antagonists as mobocrats; abuse seemed to have triumphed over reason. The radical differences of political parties and the bitterness of partisan animosities then regnant find an illustration in the recently published confidential memorandum sent by John Taylor "of Caroline," a United States senator from Virginia, to James Madison, the congressional leader of the Jeffersonian party. In this memorandum, Taylor tells of serious overtures for the dissolution of the Union made to him a few days before by two of the most influential of the Federalists, Oliver Ellsworth of Connecticut

Disunion
Sentiment in
Congress
May 11, 1794

1794 and Rufus King of Massachusetts. It appears that King invited Taylor into one of the committee-rooms of the senate and there, in private conversation, told him that the South and the East never agreed, that when the two Federalist senators from South Carolina were replaced



Oliver Ellsworth and Wife

by Anti-federalists "the Southern interest would prevail, and the East never would submit to Southern politics," and that, under the circumstances, "a dissolution of the Union by mutual consent was preferable to a forced dissolution." Just then Ellsworth entered the room, apparently by accident but Taylor thought by prearrangement. King repeated what he had been saying and Ellsworth agreed with him. Taylor thought that a disunion plot was being actually hatched, but Madison probably was more nearly right when he added to the memorandum the words: "The language of K. and E. probably in terrorem." Even if "K. and E." merely meant to warn Taylor that disunion was likely to follow a continuance of the Anti-federalist policy, as thus sug-

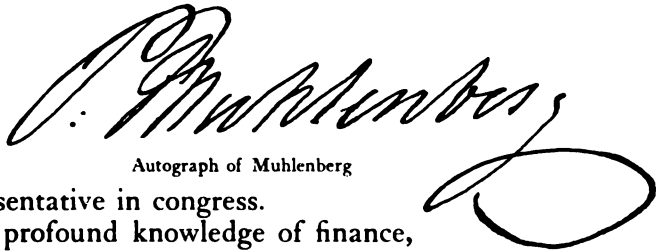
gested by Madison, it is significant that at that time they could think and talk of breaking up the Union, a significance that was deepened by the attitude of Massachusetts in the war of 1812 and the doings of the Hartford convention in 1814. 1 7 9 5

When the fourth congress assembled for its first session, the opposition was greatly strengthened by Albert Gallatin's advent in the house of representatives. This remarkable man, a native of Geneva and a graduate of its university, had been offered a lieutenant-colonel's commission in the Hessian forces in America and had refused it saying that he would "never serve a tyrant." When nineteen years of age, he secretly left Geneva for America that he might "drink in a love for independence in the freest country of the universe." He landed at Boston, taught French to the students of Harvard, and thence went to Philadelphia where he made the acquaintance of Pelatiah Webster and other notable men. In 1784, he bought land in western Pennsylvania where he quickly acquired influence among his neighbors who, in 1789, sent him to assist in revising the state constitution. In 1790, he was elected to the legislature. In 1793, when but thirty-two years of age, he was elected to the United States senate, but by a party vote he was refused a seat on the ground that he had not been nine years a citizen of the United States. As we have seen, he did much to prevent the "Whiskey Rebellion" from coming to a bloody issue, in spite of which he was elected as a representative in congress.

Albert
Gallatin

December 7,
1795

April, 1780

A large, flowing cursive signature, likely of Frederick A. Muhlenberg, written in dark ink. The signature is highly stylized with long, sweeping loops and a prominent final flourish that extends downwards and to the right.

Autograph of Muhlenberg

Gallatin had a profound knowledge of finance, a subject in which his party had been lamentably weak. The house was nearly equally divided, but the Republicans elected Jonathan Dayton of New Jersey speaker over the Federalist candidate, Frederick A. Muhlenberg of Pennsylvania who had presided over the first and third

Gallatin's
Attack

1796 congresses. After disposing of the Jay treaty, as already described, they turned their attention to financial affairs. On the twelfth of April, 1796, in a strong speech, Gallatin attacked the Federalist management and charged that the national debt had been increased six millions. Six weeks later, Smith of South Carolina replied submitting many figures to show that the debt had been reduced by two millions. As Smith's speech was delivered on the last day of the session and Gallatin had no opportunity to reply in the house, he answered it in a pamphlet,

June 1

Tangled
Finances



A Sketch of the Finances of the United States.

The difference between the two was largely a matter of bookkeeping, but the finances were in a bad condition. The sinking fund had not grown, the floating debt was large, the United States bank was pressing for payment of money owed on its stock and for other advances, and, owing to the war in Europe, it was impossible to secure loans abroad. Wolcott, the secretary of the treasury, endeavored to float five million dollars of bonds authorized by congress, but, though the bonds were offered at eighty-five per cent., he was able to sell only eighty thousand dol-

New-York:
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1796.

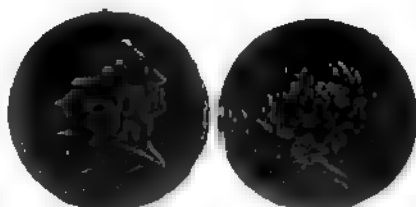
Title-page of Gallatin's Pamphlet on the
Finances of the United States

lars' worth and was driven to the hard necessity of selling a part of the government's stock in the national bank. Meantime, the United States mint had struck its first copper coins in 1793, and its first gold coins in 1795.

According to the terms of Jay's treaty, Great Britain

was to surrender the Northwest posts that she still held on or before the first of June, 1796, but the order was not signed by Adjutant-general Beckwith at Quebec until the second of June. In accordance with the request of the American government, the more important posts were not evacuated until the troops of the United States were at hand to protect the property. It being thought unnecessary to await the coming of American troops at the small posts on Lake Champlain and the Saint Lawrence, the British withdrew from Dutchman's Point and Oswegatchie without ceremony about the first of July. On the seventh of July, Captain Moses Porter was sent from Fort Miami with a detachment of artillery and infantry and to them, at noon of the eleventh of July, the British troops surrendered Fort Lernault at Detroit. The union jack was lowered and the American flag was raised in proclamation of the acknowledged sovereignty of the new republic over its Northwest. The old fort was demolished in 1826, and on its site now stands a federal building, at the Fort street entrance of which is a commemorative tablet that was unveiled on the eleventh of July, 1896. The surrender of Fort Lernault has been often described as the last act of the Revolutionary war, but the British flag was hauled down at Fort Ontario (Oswego, New York) four days later, at Niagara on the eleventh of August, while a British garrison was maintained at Mackinac until October.

1796
The
Surrender of
the British
Posts



The First Copper Coin Struck in the United States Mint (Obverse and Reverse)



The First Gold Coin (\$10) Struck in the United States Mint (Obverse and Reverse)
(From collection of the American Numismatic Society, New York)

1790
1796
The
Legislative
Caucus

In this period came the first stage of development of an extra-constitutional institution, the cradle of a giant that now almost dominates the political life of America—the national party convention. In the early chapters of the history of the United States we find accounts of “the more or less secret political confabulations which were first designated by the term caucus.” When John Adams wrote that our Revolution was effected by caucuses, that the federal constitution was formed by caucuses, and that “Alexander Hamilton was the greatest organist that ever played upon this instrument,” he used the term in the somewhat loose sense above indicated. But with the development of parties came the need for a system of formal nomination of candidates and, somewhat slowly, the integration, from within the parties, of permanent organizations that should serve as regular nominating bodies. In Pennsylvania and elsewhere we find traces of county meetings of delegates from the respective townships. To select party candidates for elective offices that extended beyond the limits of the county, public-spirited men with a taste for election work often made themselves into committees of correspondence for the occasion. Sometimes “conferees” were appointed for the purpose in county meetings, but such meetings of delegates were generally irregular as to composition and often incomplete and indirect as to representation. Their decisions were not binding on the electorate or even on the candidates; local voters recast the ticket to suit themselves, rejected competitors often went on with their “campaigns” just the same, and “self-nomination” was very common especially in Massachusetts and Pennsylvania. To organize a state meeting of delegates was a formidable undertaking because of distances and modes of travel and the difficulty of finding men of leisure who were willing to make the sacrifice of time and labor involved. Naturally, it soon occurred to the public that the members of the state legislatures, already officially assembled, were in the best position to submit to their constituents the names of candidates who could command the most votes

in the states, and the individual opinions of the representatives themselves were likely to be in accord with the dawning public sentiment. Thus the legislative caucus came into being and, in 1790, the governor and lieutenant-governor of Rhode Island were recommended in this way. In the same year, the rival parties in Pennsylvania nominated their candidates for governor in joint meetings of the representatives in the legislature and their members of the state constitutional convention that was in session at the same time; in 1793, the governor of Pennsylvania was nominated by the legislative caucus unaided. In 1795, John Jay was thus nominated as governor of New York and, after 1796, the method appears as general in all the states. In a decade thereafter, the congressional caucus rose above the horizon and took in hand the nomination of candidates for the presidency and the vice-presidency.

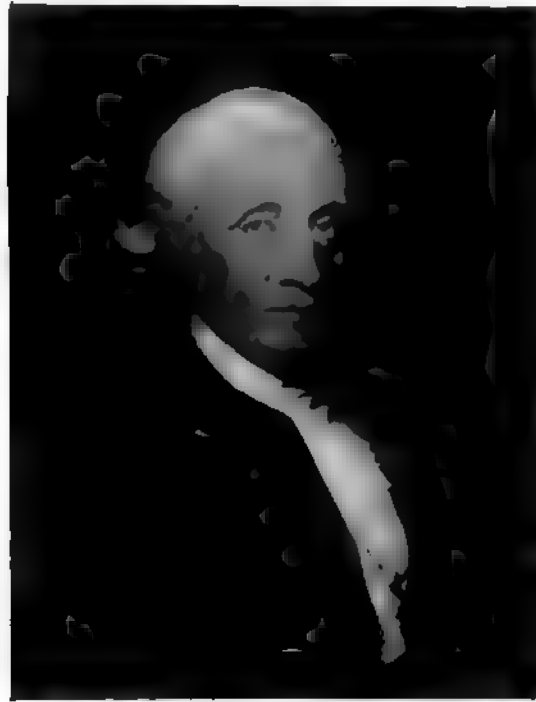
Prior to the adoption of the constitution, the officers of the confederation had been chosen by congress, while most of the state officers had been appointed by the state governors or elected by the state legislatures. With the inauguration of the new national government in 1789, there was a great change; many of the state officers became federal officers; many new offices were created; and nearly all of both classes were to be filled by the president. Even before his first inauguration, Washington was the recipient of a flood of letters asking for appointments under the new government. Of course, personal knowledge by the president as to the qualifications and fitness of all applicants was impossible and the task of selecting suitable men quickly became one of great delicacy, difficulty, and magnitude. Mr. Gaillard Hunt, who made a careful study of this subject, divides the applications and recommendations received in Washington's two terms into five groups. Fully three-fourths of all were based wholly upon the fitness of the candidate to perform the duties of the office. In another large group, the applicant's military service plays the most important part. The third group includes requests for

I 7 9 0

I 7 9 6

Office-seeking

1790 continuance in an office held under state or confederate
 1796 government, those of the fourth appeal to benevolent
 considerations, and those of the fifth to political consid-



George Washington
 (Portrait by Sharpless)

erations. Of course, some of the applications and endorsements touch more than one of these groups as, for example, that of Richard Peters in behalf of General Anthony Wayne. This interesting document sets forth that "Mad Anthony" was "cursed with a Present from the State of Georgia of a Rice Planta-

August 2,
 1790

tion which they gave him with very laudable Intentions" and that, in attempting to improve this estate, his "handsome Property . . . was irreparably ruined. . . . I am confident he will have Nothing left either of his patrimonial Estate or the pecuniary Rewards for his military Services. In short he will be in want. . . . The Place of all others I think him most capable of, executing is that of Surveyor General. I know he is an excellent Draftsman and has a Genius for this Business." In general, there is no doubt that Washington felt the responsibility that rested on him and amplified the information proffered in the interest of the applicant by personal

inquiries and that, in many cases, his own knowledge of the candidate was the determining factor in the appointment. Political considerations had less weight then than now but they were not ignored. For instance, in tardy and obstreperous Rhode Island, "it would certainly have been suicidal if the enemies of the federal government had received recognition" and, in the matter of appointing a district judge for North Carolina, a memorandum in Jefferson's handwriting sets forth that John Stokes was a Federalist. The secretary of state certainly was not in sympathy with Stokes's party affiliations and probably was setting forth claims that would influence the president, and—Stokes got the appointment. But as partisan differences grew in intensity, Washington became more and more a Federalist president and we find him writing to Timothy Pickering in reference to the appointment of an attorney-general: "I shall not, whilst I have the honor to administer the government, bring a man into any office of consequence knowingly whose political tenets are adverse to the measures which the general government are pursuing; for this, in my opinion, would be a sort of political suicide."

September 27, .
1795

Such was the condition of affairs when the third presidential election drew near. There was neither precedent nor constitutional provision on the subject of a third presidential term and few persons knew whether Washington would accept or refuse a second reelection. But Washington had made up his mind; for the first time, there was to be a real contest. To this determination he was brought partly by his eagerness for the quiet life of Mount Vernon, but perhaps still more by the abuse that was heaped upon him by the opposition. After about 1794, the Republicans looked upon him as the chief of the Federalists, of all their enemies the most dangerous because of his popularity. To such lengths did their hostility go that they declared that he had betrayed France, denounced him as an Anglomaniac, an aristocrat, a monocrat, accused him of overdrawing his salary, tampered with his mail in the hope of finding evidence

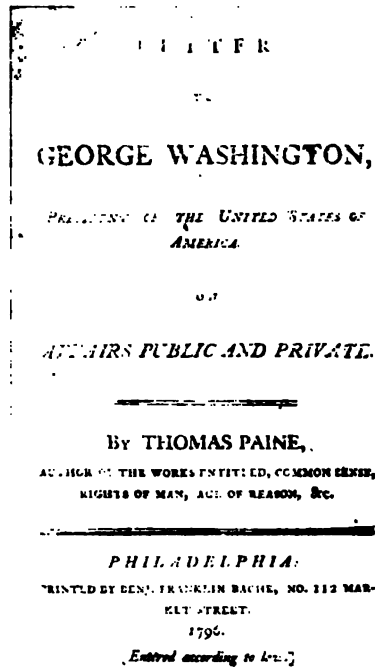
Partisan
Abuse of
Washington

1796 against him, and republished as genuine certain letters that the British had forged in 1777 in the hope of lessening his influence. Even Thomas Paine, in the bitterness of what he considered an outraged friendship, wrote a long letter of denunciation, a copy of which was printed at Philadelphia "and disseminated with great industry."

Washington's
Comment

July 6

Of course, Washington felt keenly such attacks. To Jefferson, with whom his relations were gradually becoming cooler, he wrote: "Until within the last year or two, I had no conception that parties would or even could go



Washington's
Farewell
Address

Title-page of Thomas Paine's Pamphlet,
Letter to George Washington

to the length I have been witness to; nor did I believe until lately, that it was within the bounds of probability, hardly within those of possibility, . . . that every act of my administration would be tortured, and the grossest and most invidious misrepresentations of them be made, by giving one side *only* of a subject, and that too in such exaggerated and indecent terms as could scarcely be applied to a Nero, a notorious defaulter, or even to a common pickpocket."

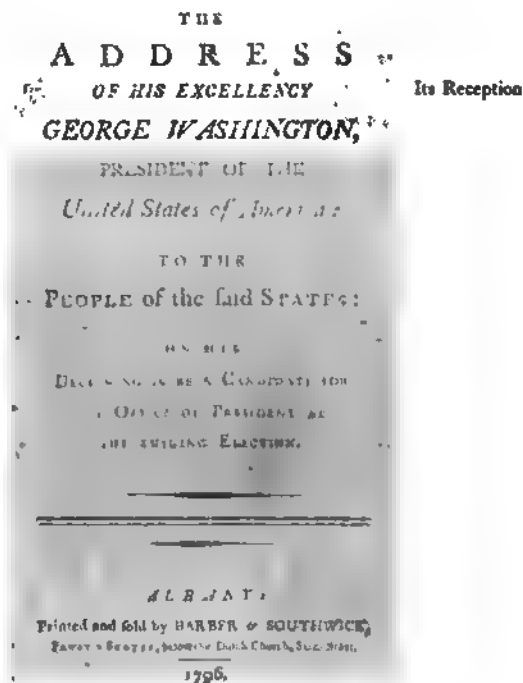
In 1792, the leaders of both parties had dissuaded Washington from his purpose of retiring from public life, but now the Republicans rejoiced at the prospect of his outgoing. On the previous occasion, he had begun, with Madison's help, the preparation of a "Valedictory Address" to the American people; now, being thoroughly determined to withdraw from public life, he took it up again and, with the

aid of Hamilton, completed it. It was published at Philadelphia in the *Daily Advertiser* on the nineteenth of September, 1796. The full text is given in the appendix to this volume.

This noble testament was intended not only for that generation but for those that were to follow. In general, it was received with profound respect, but some of the more radical of the opposition seized upon it as a theme for renewed abuse. The passage warning the people against the dangers of factious opposition and the one that declared that "Tis our true policy to steer clear of permanent alliances, with any portion of the foreign world," came in for special denunciation as having more than a mere academic applica-

tion. One writer affirmed that "his character can only be respectable while it is not known; he is arbitrary, avaricious, ostentatious; without skill as a soldier, he has crept into fame by the places he has held. His financial measures burdened the many to enrich the few. History will tear the pages devoted to his praise. France and his country gave him fame, and they will take that fame away." Another was of the opinion that "his glory has dissolved in mist. . . . Posterity will look in vain for any marks of wisdom in his administration."

Washington's withdrawal left the field open to other candidates. The Republicans unhesitatingly and unanimously turned to Jefferson, author of the declaration of



Title-page of Washington's Farewell Address

Its Reception

Party Candidates

1796 independence and the enemy of aristocrats and monarchs. For the vice-presidency, their choice was Aaron Burr. Among the Federalists there was no such unanimity; Hamilton, Patrick Henry, John Jay, and John Adams had each his following. A national convention for selecting the party candidates was then unthought of, but gradually it became apparent that Adams had the most support. He was vice-president, was honest and patriotic, but vain, irritable, lacking in tact, and disliked by party leaders who foresaw that he would not be subservient to them. In the hope of defeating Adams, Hamilton, the idol of the party leaders but less popular with the masses, evolved a plan similar to the one that had failed in 1789. As the candidate for vice-president, he selected Thomas Pinckney of South Carolina who had returned with the laurels gained by his negotiation of the Spanish treaty, and then plotted to have a few of the electors refuse to vote for Adams in order that Pinckney might receive the largest vote and thus be chosen president.

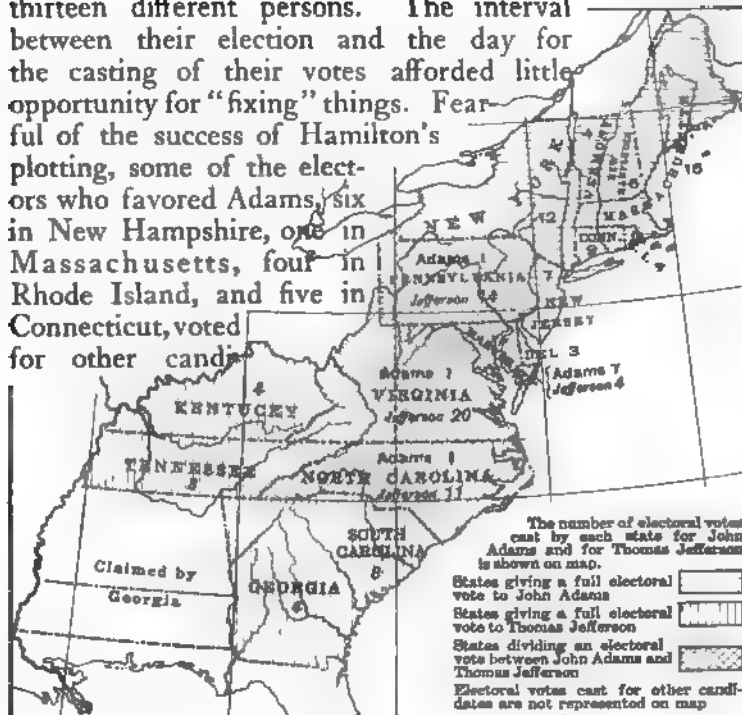
The Misplay
of the French
Minister

French resentment on account of the Jay treaty was still running high and Adet, who had succeeded Fauchet as French minister and whose official functions had been suspended by way of protest, took an active part in the campaign for the election of Jefferson. He wrote letters to the secretary of state holding up the dangers of a war with France and showing how the triumph of the Republicans would obviate the danger and at the same time gave the letters to the newspapers. His object, as reported to his government, was "to catch public attention at the moment when the electors who choose the president are about to be elected and in order to see what effect it will produce upon the government and what I may expect from the second session." As might have been expected, the meddling injured the party it was designed to help.

The Election

In ten states the electors were chosen by the legislature and in six by popular vote. The result in November indicated that both parties were largely sectional. Maryland, Delaware, and every state east of the Delaware River chose a majority of Federal electors; in the other

states the reverse was true. On the first Wednesday in February, the presidential electors cast their votes for thirteen different persons. The interval between their election and the day for the casting of their votes afforded little opportunity for "fixing" things. Fearful of the success of Hamilton's plotting, some of the electors who favored Adams, six in New Hampshire, one in Massachusetts, four in Rhode Island, and five in Connecticut, voted for other candidates.



Election Map of 1796

dates than Pinckney, who also lost four votes in Georgia. On the other hand, the South Carolina electors cast their eight votes for Jefferson and Pinckney. In consequence of these deviations from the program, variations that would be impossible today, Adams received seventy-one votes, Jefferson sixty-eight, Pinckney fifty-nine, and Burr thirty. As neither Jefferson nor Pinckney had received a majority of the electoral votes, the choice of a vice-president was thrown into the senate and there Jefferson won. And so it came to pass that the candidate of one political party became president and the head of the other party became vice-president.

1 7 9 6 Meanwhile, the Republicans did not abate their attacks
 1 7 9 7 upon the president. When Washington's last annual
 Lest We brought in a reply that expressed approval of the policies
 Forget of his administration. This the Republicans criticised,
 and Giles of Virginia made a violent speech in which he
 said: "I must acknowledge that I am one of those who
 do not think as much of the President as others do.
 When the President retires from his present station, I
 wish him to enjoy all possible happiness. I wish him to
 retire, and that this was the moment of his retirement."
 Giles and eleven others, including Edward Livingston,
 Nathaniel Macon, and Andrew Jackson, voted against
 the reply. Even after Washington was out of office, the
 vituperation was continued. On the sixth of March,
 Bache's *Aurora* contained a passage that was copied into
 many other Republican papers: "'Lord, now lettest thou
 thy servant depart in peace, for mine eyes have seen
 thy salvation,' was the pious ejaculation of a pious man
 who beheld a flood of happiness rushing in upon man-
 kind. If ever there was a time that would license the
 reiteration of the ejaculation, that time is now arrived,
 for the man who is the source of all the misfortunes of
 our country is this day reduced to a level with his fellow-
 citizens, and is no longer possessed of power to multiply
 evils upon the United States. If ever there was a period
 of rejoicing, this is the moment. Every heart, in unison
 with the freedom and happiness of the people, ought to
 beat high in exultation that the name of Washington
 ceases from this day to give currency to political iniquity
 and to legalize corruption. A new era is now opening
 upon us, an era which promises much to the people, for
 public measures must now stand upon their own merits,
 and nefarious projects can no longer be supported by a
 name. When a retrospect is taken of the Washington
 administration for eight years, it is the subject of the
 greatest astonishment that a single individual should have
 cankered the principles of republicanism in an enlightened
 people just emerged from the gulf of despotism, and

should have carried his designs against the public liberty 1 7 9 7 so far as to have put in jeopardy its very existence. Such, however, are the facts, and, with these staring us in the face, the day ought to be a JUBILEE in the United States." Fortunately, the good that men do lives after them. In our day, the world has almost forgotten the venomous vituperation of that day, and over it History might well let fall the veil but for the lessons that from it men may learn.

On the second of March, Washington had written to Knox: "To the weariest traveller, who sees a resting-place, and is bending his body to lay thereon, I now compare myself; but to be suffered to do *this* in peace, is too much to be endured by *some*. . . . The consolation, however, which results from conscious rectitude, and the approving voice of my country, unequivocally expressed by its representatives, deprives their sting of its poison, and places in the same point of view both the weakness and malignity of their efforts."

After his own inauguration, John Adams wrote to his wife: "Methought I heard him say, 'Ay! I am fairly out, and you are fairly in; see which of us will be happiest!'"

Although Washington was more bitterly assailed than any other outgoing American president with the possible exception of Andrew Johnson, there is abundant evidence that he still held the hearts of the people. Throughout the winter, laudatory addresses from public and private bodies had been flowing in upon him, while legislature after legislature responded in favorable terms to his farewell address.

The Cessation of Sorrow



Washington's Book-plate

First in the Hearts of his Countrymen

178 Last Years of Washington's Presidency

1797 On the evening of the third of March, he gave a farewell dinner in honor of the president- and vice-president-elect. On the following day, after the inauguration of his suc-



George Washington
(From unfinished portrait by Gilbert Stuart, painted from life.
Owned by the Boston Athenaeum and deposited in the
Museum of Fine Arts)

cessor, "it was the setting and not the rising sun . . . that drew the attention of the multitude, and as Washington left the hall there was a wild rush from the galleries to the corridors and then into the street to see him pass. He took off his hat and bowed to the people, but they followed him even to his own door, where he turned once more and, unable to speak, waved them a silent farewell." That evening, a grand banquet was given him by the merchants of Philadelphia. When, a few days later, he set out for home to take up with almost boyish

zest the task of rescuing his affairs from the chaos into which they had fallen, he was everywhere received with enthusiasm. Says a Baltimore newspaper of the thirteenth of March: "Last evening arrived in this city, on his way to Mount Vernon, the illustrious object of veneration and gratitude, GEORGE WASHINGTON. His excellency was accompanied by his lady and Miss Custis, and the son of the unfortunate Lafayette and his preceptor. At a distance from the city he was met by a crowd of

citizens, on horse and foot, who thronged the road to greet him, and by a detachment of Captain Wollingsworth's troop, who escorted him through as great a concourse of people as Baltimore ever witnessed. On alighting at the Fountain Inn, the general was saluted with reiterated and thundering huzzas from the spectators." 1797





C H A P T E R X I

J O H N A D A M S A T T H E H E L M

The
Inaugural
Ceremonies

AT eleven o'clock on the fourth of March, Jefferson "assumed his new functions over the Senate in an easy and rather trifling manner." The inauguration of the president took place in the chamber of the house of representatives with more elaborate ceremonial. Having left his coach and four opposite the door of Independence Hall, the outgoing president passed between the living walls formed by the falling back of the assembled multitude, was announced by the doorkeeper as he entered the room, and, amid enthusiastic applause and the waving of handkerchiefs, took his seat at the right of the speaker's chair. The new vice-president soon appeared and took his seat at the left of the speaker's chair, the president-elect was announced, and John Adams entered. His dress was of light drab and his hair was powdered. Bowing graciously to the applauding guests on this side and on that, he slowly advanced and took his seat in the speaker's chair. As an artillery salute marked the hour of noon, Adams arose to deliver his inaugural address.

The
Inaugural
Address

In this address, Adams evinced a determination to deal impartially and fairly with all sections and parties and justly with all nations, and a desire to foster American manufactures, agriculture, and commerce. He referred in friendly terms to France expressing "a sincere desire to preserve the friendship which has been so much for the honor and interest of both nations," and paid to

Washington a graceful tribute that brought his auditors to their feet. Chief-justice Oliver Ellsworth administered the oath of office and the president retired followed by the vice-president and the former president, an order upon which Washington insisted despite Jefferson's polite efforts to take the third place. Washington then walked to Adams's hotel to pay his personal respects to his successor and, in the evening, received a farewell banquet given by the leading citizens of Philadelphia. That the attention of the multitude instinctively turned toward the setting sun was not pleasing to the vanity of the new president. "He was surprised, actually bewildered, at the distance which he saw that the people had established between himself and Washington."

Probably because he desired to appear to continue the policy of his predecessor and because he had seen how difficult it was to find men who would accept the offices, Adams retained Washington's cabinet without change. None of the men thus kept in office was of first-rate ability, but not in this did the danger lie. Under Washington, the cabinet members had felt that they stood on a different plane from that of the president, and Hamilton had been Washington's most trusted adviser. Thus there had grown up a little clique, consisting of one statesman and three politicians, who had "controlled the policy of the Federal party successfully and agreeably enough beneath the shelter of Washington's prestige and subject always, in the last resort, to his sound and supreme judgment. Adams had never been one of this clique, he had not even been regarded with any cordiality by its chief." Wolcott, Pickering, and McHenry continued to look to Hamilton for inspiration and guidance and regarded Adams "not as the one to whom they owed their places and whom they must faithfully serve, but as an erratic old man whose inaugural betrayed too much French complaisance and whom they, with external assistance, must keep well bitted." But his character and station made it impossible for the new president to take orders from Hamilton. As we shall see, his inclination to

1 7 9 ' 7
A Political
Blunder

1 7 9 7 command the ship of which he was captain plunged him into a sea of trouble.

The Baited
Hook

Jefferson quickly saw the possibilities of the situation. With Washington out of the way, Hamilton could no longer control the Federalist party and Hamilton was the only man he feared. He even hoped to "achieve an influence over the blunt, impetuous, and egotistical president" with a common dislike of Hamilton as the bond of union. In December, he had written a letter to Adams in which he spoke of the certainty that the Federalists would control the election and added: "It is possible, indeed, that even you may be cheated of your succession by a trick worthy the subtlety of your arch friend of New York." This letter he sent to Madison to use in his discretion. Madison did not give the letter to Adams, but was careful that its substance reached him. For a time, it seemed that Adams might form an alliance with the Republicans against the Hamiltonian Federalists.

The Solitary
Nibble

March 3

Jefferson says that, when he arrived at Philadelphia, he "called instantly on Mr. Adams, who lodged at Francis's, in Fourth street. The next morning he returned my visit at Mr. Madison's, where I lodged. He found me alone in my rooms, and shutting the door himself, he said he was glad to find me alone, for that he wished a free conversation with me." This free conversation concerned relations with France which had become critical. Adams said that "he was impressed with the necessity of an immediate mission to the Directory, that it was the first wish of his heart to have got me to go there, but that he supposed it was out of the question, as it did not seem justifiable for him to send away the person destined to take his place in case of accident to himself, nor decent to remove from competition one who was a rival in the public favor. That he had, therefore, concluded to send a mission, which, by its dignity, should satisfy France, and by its selection from the three great divisions of the continent, should satisfy all parts of the United States; in short, that he had determined to join Gerry and Madison to Pinckney, and he wished me to consult Mr. Madi-

son for him." A few days later, as they were returning from a dinner, Jefferson reported that Madison would not accept the appointment. Adams "immediately said that, on consultation, some objections to that nomination had been raised which he had not contemplated; and was going on with excuses which evidently embarrassed him, when . . . our road separated, and we took leave; and he never after that said one word to me on the subject, or ever consulted me as to any measures of the government." The cabinet had objected vigorously to sending a Republican leader on such a mission and Wolcott had threatened to resign if such an appointment was made.

Soon after the inauguration, word was received from Rufus King, the American minister to Great Britain, that Pinckney had been ordered to leave Paris. Napoleon Bonaparte had just finished his wonderful campaign in northern Italy and the French people were so elated by his victories that they were almost ready to undertake a crusade against all mankind. In America feeling was divided. In spite of the excesses of the revolutionists, the Republicans still desired to form a close alliance with the nation that had helped America to gain her independence. An extreme group of the Federalists in congress, supported by Pickering and Wolcott in the cabinet, were ready to assist England against France. A more moderate group wanted peace with both countries and stood ready to support Adams who had little of trust or friendship for either. The extremists controlled the senate, the moderates the house. The crisis appeared so grave that Adams called an extra session of congress for the fifteenth of May.

Adams
Convokes
Congress

Before the day appointed for the assembling of congress, the publication of what is known in history as the Mazzei letter created a great political sensation. This letter had been written by Jefferson to Philip Mazzei, a Florentine who had long lived near Monticello but was now in Europe. Mazzei translated

March 25

The Mazzei
Letter

Philip Mazzei

Autograph of Philip Mazzei

April 24,
1796

1797 the letter and had it published in a Florentine paper whence it was translated into French and published in *Le Moniteur* at Paris. Re-englished, it soon appeared in the *Minerva*, a New York gazette edited by Noah Webster. Thence, it was rapidly copied into all the Federalist newspapers in the country. In its successive translations the form had been changed but the "general substance" remained the same and aroused great indignation.

May 2

What
Jefferson
Wrote

"The aspect of our politics," so ran the letter in its original form, "has wonderfully changed since you left us. In place of that noble love of liberty, & republican government which carried us triumphantly thro' the war, an Anglican monarchical; & aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British government. The main body of our citizens, however, remain true to their republican principles; the whole landed interest is republican, and so is a great mass of talents. Against us are the Executive, the Judiciary, two out of three branches of the legislature, all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants & Americans trading on British capitals, speculators & holders in the banks & public funds, a contrivance invented for the purposes of corruption, & for assimilating us in all things to the rotten as well as the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field & Solomons in the council, but who have had their heads shorn by the harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labors & perils. But we shall preserve them; and our mass of weight & wealth on the good side is so great, as to leave no danger that force will ever be attempted against us. We have only to awake and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors." As

Jefferson did not deny having written the letter, the Federalists denounced him vehemently, accused him of having traduced Washington and of having libeled his country, and insisted that he ought to be impeached. Jefferson made no explanation at the time, but, in later years, he asserted that his strictures had been aimed at the Cincinnati and not at Washington. 1 7 9 7

The yellow fever again visited Philadelphia as it had done in 1793, repeated the panic of that year, and forced the removal of the public offices to Trenton. With the first frosts the disorder disappeared only to return the next year. In July, congress had adjourned to meet on the thirteenth of November, but, on account of fear of the fever, a quorum did not appear until the twenty-second. The pestilence proved to be a harbinger of hard times. Prices fell and credit disappeared; business became stagnant and failures became frequent. Capitalists went down in ruin and Robert Morris was sent to a debtor's prison.

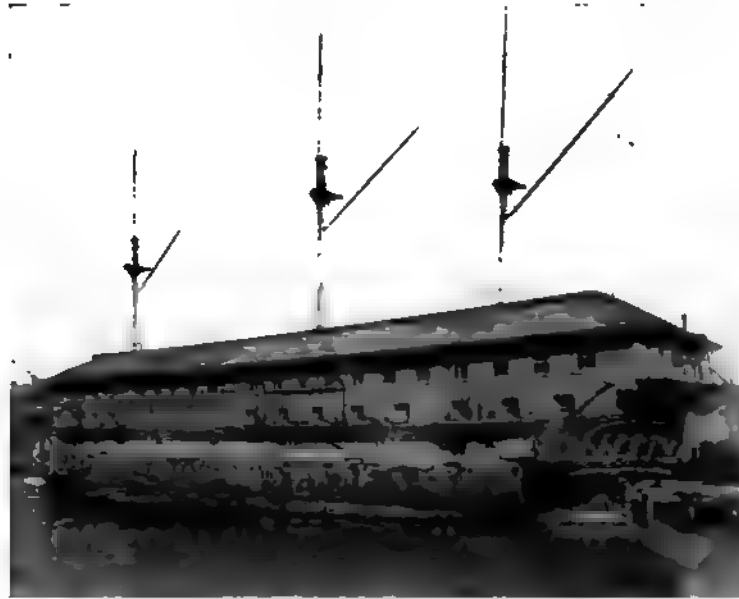
Panic—
Pestilential
and Financial

Gorgons, and hydras, and chimæras dire.

When congress assembled on the twenty-second of November, the president delivered a spirited address on our relations with France. He told of the directory's refusal to receive Pinckney and referred with indignation to the public audience given to Monroe. In the speech delivered on that occasion by the president of the directory he saw "a disposition to separate the people of the United States from the Government, to persuade them that they have different affections, principles, and interests from those of their fellow-citizens whom they themselves have chosen to manage their common concerns, and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest." Nevertheless, he announced that he intended to "institute a fresh attempt at nego-

A Spirited
Address

1797 March 2 tiation." He had information that the directory had passed a new decree "contravening in part the treaty of amity and commerce of 1778, injurious to our lawful commerce, and endangering the lives of our citizens" and thought it wise to urge the establishment of a permanent system of naval defense, the fortification of the principal seaports, and the expansion of the army. The frigate



The "Constitution" as she Appears at Present

October 21 "Constitution" had been launched at Boston just a month before. Adet, the suspended minister who was still lingering in America, realized that Adams meant just what he said and returned to France.

An Ultra-Democrat

When the congressional reply to the presidential address was under debate in the house, Matthew Lyon, a new member from Vermont, asked that members be excused from waiting upon the president with the answer. As an Irish boy, Lyon had been lured on board a ship and sold in Connecticut as a redemptioner. He served his time, settled in the Vermont region, fought against Carleton in 1776, took part in the capture of Burgoyne,

U.S. Frigate Constitution Aug. 8, 1798						
K	F	Course	Winds	Remarks Wednesday		
2	3	S.E.	S.W. by S.	Left port this 24 hours previous		
2		N.W.	S.W.	W. kept standing off and on New York		
1		S.E.	S.W.	harbour under easy sail the		
9		S.E.	S.W.	harbour of Newport dist 2 leagues		
day of arrival on		Newport		pilot boat in 20 at Meriden		
harbour				to the bar at 2 P.M. S.W.		
7		S.E.	S.W. by S.	Custom house boat came		
14		S.E.	S.W.	from Newport with 3 Gent		
3	2			have ship too light house		
3				bearing N.W. 3 leagues dist		
4		S.W.	West	At 3 P.M. spoke a N York		
4		S.W.	N.W. by S.	schooner from D. several		
4	4			Gentlemen came on board		
4				from Newport light house		
3				bearing N.W. 4 leagues dist		
3				N. side part of Block Island		
3				N.W. 5 leagues dist. Roman		
3				land S.W. 8 leagues dist.		
3		162		a 6 gunn. ship 13 mches water		
3		1262	N.W.	sent down 7 Gate Yards & kept		
3				top sail even since out make		
3				Block Island kept a private		
3				sack a M.I. 5 Head. a 9 caldaler		
3				sacks & ships rigging		
3				Lat in 40. 15. 40		
mean	Dist.	Dep	Diff lat	Long	Diff long	Long in
32	53	25	46	40.18	34	70.26

A PAGE FROM THE LOG OF THE "CONSTITUTION"

1 7 9 7 published a newspaper, and entered politics. After he had presented his reasons for desiring the change above indicated, the speaker ruled that the motion must be confined to Lyon himself. In this form, the house unanimously agreed to grant his request, the Federalists, who were in the majority, derisively voting aye, "as though only too glad to leave out of such ceremonials one whose presence could not grace them."

The
Commission
to France

After Madison's refusal to serve as a member of the proposed commission to France, Adams decided to select Pinckney, John Marshall, and Elbridge Gerry. Out of personal friendship, Gerry had voted for Adams, but he was regarded as a Republican and Wolcott and Pickering warmly opposed a "piebald commission." In deference to their wishes, Adams substituted the name of Francis Dana, chief-justice of Massachusetts, but Dana declined the mission and Adams turned again to Gerry, hoping that his appointment would please the opposition and pacify the directory. The senate confirmed the nominations and, in mid-summer, Gerry and Marshall sailed in different vessels to join Pinckney in Holland.

Preparations
for Defense

Influenced by disquieting news from Europe and fearing that the mission to France might fail, congress passed several bills for putting the country in a state of defense. The frigates, "Constellation," "United States," and "Constitution," were ordered to be completed and manned, eighty thousand militia were to be held ready for instant service, the exportation of arms was forbidden and the importation thereof encouraged, and appropriations were made for fortifying American harbors. But when the senate proposed to increase the army, to buy armed vessels to act as convoys for American merchantmen, and to authorize such merchantmen to arm for their own defense, the house withheld its consent, partly because of the cost and partly because it preferred not to provoke France to hostilities. In the senate, the Federalists had a "safe" majority, but in the house, their majority was "inconstant and equivocal." On the eighth of June, Jefferson wrote to Madison: "Difficult

to say if Republicans have majority. Votes carryd both ways from 1. to 6. Our 3 renegadoes make the difference." Nine days later, he wrote to Aaron Burr: "A few individuals of no fixed system at all, governed by the panic or the prowess of the moment, flap as the breeze blows against the republican or the aristocratic bodies, and give to the one or the other a preponderance entirely accidental."

In 1794, Washington had appointed John Quincy Adams minister to Holland and, in 1796, had transferred him to Portugal. Diplomatic Appointments

The mission to Holland thus vacated was filled by the appointment of William Vans Murray of Maryland. As the Prussian treaty of 1784 was about to expire, acting on the advice of Washington, President Adams promoted his son to the Prussian mission. In the fall of 1797, John Quincy Adams



John Quincy Adams

took up his residence at Berlin and William Loughton Smith, a South Carolina representative in congress, became chargé d'affaires at Lisbon. Like the measures for defense, these diplomatic establishments were opposed because of the expense involved.

As these defensive and diplomatic measures and the possible awards against the United States under Jay's treaty involved an outlay in excess of the increasing revenues of the government, a temporary stamp-tax was National Revenues

1797 prescribed, the tariff tax on imported salt was increased and, in anticipation of the increase of revenue, a loan of eight hundred thousand dollars was authorized. At this time, the customs revenues were more than a dozen times as great as were the excise receipts, but all measures of internal taxation were so unpopular that, in July, the operation of the new stamp act was postponed until January, and, in December, it was again postponed until the following June.

Monroe's
Return from
France

Late in June and just before the end of the extra session, Monroe arrived at Philadelphia, indignant at the way in which he had been treated. He was given a dinner at which Chief-justice McKean of Pennsylvania presided and Jefferson and other prominent Republicans were present. This demonstration displeased the cabinet and, when Monroe demanded the reason for his recall, Pickering refused to give it, saying that the president was privileged to remove subordinates without giving reasons. Monroe thereupon prepared and published a *View of the Conduct of the Executive*, defending his course while minister, charging that he had been removed for secret reasons, and violently denouncing the foreign policy of the Federalists. The ill-written and ill-tempered pamphlet secured for its writer the high favor of the Republicans and, in 1799, the governorship of Virginia.

A Sorry
Scandal

In 1792, two culprits, Jacob Clingman and James Reynolds, had been guilty of the crime of suborning a witness to commit perjury. While in jail, Clingman sent for Frederick A. Muhlenberg, the speaker of the house of representatives, and hinted that Reynolds could tell secrets that would ruin Alexander Hamilton. With Abraham Venable of the house and James Monroe of the senate, Muhlenberg visited Reynolds in his cell. Reynolds refused to be explicit until he was free; the moment he was out on bail, he fled, but, from his wife, the three obtained two suspicious letters in Hamilton's handwriting. With a written statement signed by Clingman, they then called on Hamilton and asked for an explanation. Hamilton admitted having written the

December 15,
1792

letters and explained that he had been involved in an amour I 7 9 7
with Mrs. Reynolds and that her husband had repeatedly
levied blackmail upon him. In support of his statement,
Hamilton read a number of ill-spelled letters from the
frail "Maria" and her intermittently indignant and com-
plaisant husband, and the investigators acknowledged
themselves satisfied that the offense was in no way con-
nected with public affairs. "Mr. Muhlenberg and Mr.
Venable, in particular, manifested a degree of sensibility
on the occasion. Mr. Monroe was more cold but entirely
explicit." Later, Hamilton asked for copies of the papers
that they had brought and expressed the hope that "all
such papers as are original may be detained from the
parties of whom they were had, to put it out of their
power to repeat the abuse of them." The copies asked
for were supplied and all three made the desired promise;
Monroe, who had the papers, said that Hamilton's wishes
should "be most strictly complied with."

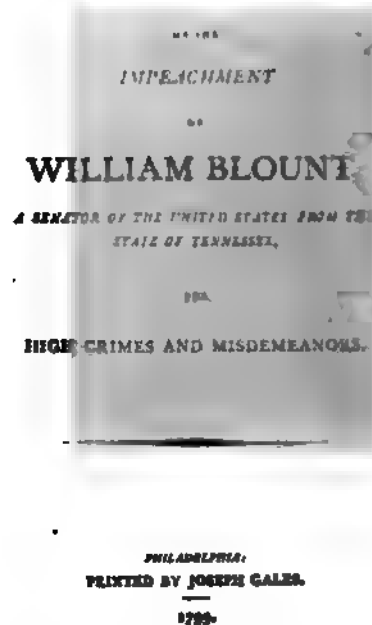
Monroe kept the letter of his promise. He did not
return the papers to Clingman or to Mrs. Reynolds, but, A Breach of
Honor
in 1794, when he set out for France, he left them in the
hands of "a respectable character in Virginia" whose
identity still remains somewhat uncertain, and this
"respectable character" secretly passed them about for
the delectation of Hamilton's Virginia enemies. McMas-
ter says that "that respectable character was, beyond all
doubt, Thomas Jefferson himself." Ultimately, the docu-
ments came into the hands of James Thomson Callender,
a disreputable Scotch pamphleteer. Avowedly to avenge
the attacks being made on the recalled minister, Callender
published the papers in the *American Annual Register for*
1796, together with a note signed by Monroe in January,
1793, which note seemed to imply a suspicion that
Hamilton's explanatory letters were forged. Hamilton
demanded that Monroe should explain this note, but Mon-
roe, smarting under misfortunes of his own, refused to do
so. "Not without a blush" and regretting "the pang
which it may inflict in a bosom eminently entitled to
all my gratitude, fidelity, and love," Hamilton promptly

1797 published the unsavory and ill-spelled correspondence with the Reynolds pair, together with other papers relating to the case. The Republicans were jubilant that Hamilton's reputation had been soiled and the Federalists charged that Monroe had played a dishonorable part.

The First
Federal
Impeachment

On the third of July, President Adams sent to congress a message, accompanied by papers that showed that William Blount, a senator from Tennessee, had engaged in a plot to lead a filibustering expedition of frontiersmen

PROCEEDINGS



Title-page of the *Proceedings on the Impeachment of William Blount*

December 3,
1798

and Indians for the conquest of the Floridas and Louisiana in the interests of England, then at war with Spain. Steps were quickly taken in the house to impeach Blount, but, to save him, the Republicans, led by Gallatin, set up a claim that the house had no right to impeach a senator. A majority of the members, however, supported the impeachment and voted that Blount ought to be "sequestered" of his seat. The senate complied with the demand, expelled the offender, and put him under bonds to appear for trial, which was passed over until the regular session. But his Republican associates again interposed obstacles and it was not until the fifth congress reassembled for its third and final session that the senate resolved itself into a court of impeachment. In the meantime, Blount had been elected to the Tennessee senate and chosen its presiding officer. As an official of a "sovereign" state, he denied the

jurisdiction of the court and the case was ultimately dropped. On the tenth of July, congress adjourned to the following November.





C H A P T E R X I I

T H E Q U A S I - W A R W I T H F R A N C E

The Envoys
in France

THE American envoys, Pinckney, Marshall, and Gerry, arrived at Paris on the evening of the fourth of October, 1797; on the fifth, they informed M. Talleyrand, the minister of foreign affairs, of their arrival. At a short interview, on the eighth, Talleyrand informed them "that the Directory had required him to make a report relative to the situation of the United States with regard to France, which he was then about, and which would be finished in a few days, when he would let us know what steps were to follow." The envoys soon learned that the directory was highly incensed at the language and tone of President Adams's speech to congress and that satisfactory explanations would have to be made before they could be accorded a public audience. Meanwhile, unofficial agents might be appointed to confer with them in the name of M. Talleyrand.

ch. Talleyrand

Autograph of Talleyrand

To Smooth
the Way

On the eighteenth, a certain M. Hottinguer, who had previously been recommended as a gentleman of credit and reputation, called on Pinckney with an informal message from Talleyrand. He represented that the directory was desirous of peace with the United States, but that certain offensive passages in President Adams's message must be softened; "that, besides this, a sum of money was required for the pocket of the Directory and

ministers, which would be at the disposal of M. Talleyrand; and that a loan would also be insisted on." This "douceur for the pocket" was to be twelve hundred thousand livres, about fifty thousand pounds sterling. 1 7 9 7

On the next day, M. Hottinguer had an interview with the three envoys and, at their request, put his proposition in writing. Then, a second agent, who was represented as standing closer to Talleyrand, appeared. This M. Bellamy dilated upon the resentment caused by the president's speech and the need of removing the bad impression that it had created. "But," said he, "gentlemen, I will not disguise from you, that this ratification being made, the essential part of the treaty remains to be adjusted; il faut de l'argent—il faut beaucoup de l'argent; *you must pay money, you must pay a great deal of money.*" At a later interview, he hinted that a withdrawal of the demand for a modification of the president's language might be secured by the payment of still more money. Otherwise, a disavowal of the speech, a loan to France, and a douceur would be absolutely requisite. As the United States might not think it wise openly to loan to a belligerent power, he proposed that thirty-two million florins of Dutch "inscriptions" that had been extorted from Holland and were worth only ten shillings to the pound should be assigned to the United States at twenty shillings—when the war was over, the Dutch would doubtless redeem them at par. As a part of Talleyrand's price for "dealing politely with the United States and refraining from locking up American ships and stealing American goods," the douceur of fifty thousand pounds was not forgotten. Still later, M. Bellamy "again returned to the subject of money: said he, gentlemen, you do not speak to the point; it is money: it is expected that you will offer money. We said that we had spoken to that point very explicitly: we had given an answer. No, said he, you have not: what is your answer? We replied, it is no; no; not a sixpence." De l'Argent

On the same day, one Hauteval, a gentleman who had resided in Boston and was acquainted with Gerry, called Gerry Visits Talleyrand

October 22

1797 to assure the envoys that Talleyrand was well disposed toward them and desired a private and unofficial interview. Gerry accompanied him to Talleyrand's house and there received direct confirmation of the directory's demand regarding the president's speech and a loan. Regarding the *douceur*, the minister was discreetly silent, but, then and later, he let it be seen that he knew of the proposal and approved it. Later, Hottinguer and Belamy renewed their persuasions, sketched out various courses that the envoys might follow, and never forgot the *douceur*; they even added threats to persuasion: "Unless these propositions are accepted, steps will be immediately taken to ravage the coast of the United States by French frigates from Saint Domingo." The envoys again rejected the proposal, transmitted to America an account of their reception, and formally addressed Talleyrand on the subject of their official recognition.

American
Memorial and
French
Cruisers

Further diplomatic skirmishing having produced no results, the envoys, in January, submitted an elaborate memorial drawn up by Marshall. Talleyrand's private secretary conveyed the information that the document was so long that no one had found time to read it and the minister himself did not reply for two months. In the meantime, French privateers and war-ships were capturing American vessels. The authenticated dispatches named nearly a thousand American vessels that had been seized. In many cases, cargoes were confiscated and crews imprisoned, and there is little room for doubts of frequent corrupt collusion between the captor and the minister of justice. Moreover, we are told that as these losses fell chiefly upon "our British faction," the members of the French party in America did not sorrow very deeply.

Marshall and
Pinckney
Retire

On the eighteenth of March, Talleyrand's counter-memorial appeared. It defended the French contentions, charged the United States with having prolonged the misunderstanding, and inquired why persons out of sympathy with France had been sent on the mission while Jay, who was known to be a British partisan, had been sent to England. To his insulting query Talley-

rand added the statement that the directory was inclined to treat with "that one of the three whose opinions are presumed to be more impartial, and to promise in the course of the explanations more of that reciprocal confidence which is indispensable," i. e., Gerry. Marshall and Pinckney remonstrated against being thus bowed out with French politeness and asked that, if the prejudices against them had not yet been dissipated, the envoys be given their passports. Talleyrand blandly pretended that their withdrawal was voluntary and asked Gerry to remain and continue the negotiations. Marshall received his passports and sailed for home; Pinckney obtained permission to remain in the south of France for the benefit of his daughter's health.

Influenced by his belief that there was danger that France would declare war and that by remaining he might be able to avert such a catastrophe, Gerry imprudently accepted Talleyrand's proposal, stipulating that he was to be regarded as a private citizen and not as an accredited envoy. Neither Talleyrand nor the directory really desired a war with the United States, but they hoped by threatening such a war to obtain favorable terms and douceurs for themselves, and some satisfaction for Jay's treaty. They feared to break off relations completely lest war might actually follow; they saw in Gerry an avenue through which to carry on intrigues with the French party in America as well as a way of escape in case the danger of hostilities became too great.

Meanwhile, various warlike measures were brought before the congress, the members of which felt that it was best to take no decisive action until they heard from the envoys in France. March came before the state department received cipher dispatches from Paris describing events up to the close of the year. As soon as the dispatches were deciphered, Adams notified congress of their arrival. Two weeks later, he informed that body that "it is incumbent on me to declare that I perceive no ground of expectation that the objects of their mission can be accomplished on terms compatible with the safety,

1798

Gerry
Remains

Congress
Hears and
Adams Speaks

March 19

1 7 9 8 the honor, or the essential interests of the nation," or that any further negotiations could be conducted consistent "with maxims for which the country has contended at every hazard, and which constitute the basis of our national sovereignty." He therefore reiterated his former recommendations regarding the national defense and the revenue.

Jefferson's
Attitude

The news that the mission had failed aroused much excitement in congress and throughout the country. The Federalists were elated, their opponents correspondingly depressed. An effort was made to enact the measures that the president had recommended, but the Republicans insisted that the message was a party trick not justified by the actual state of our relations with France. Jefferson called the message "insane" and urged an adjournment. "To separate congress now," he wrote, "will be withdrawing the fire from a boiling pot." On the twenty-seventh of March, after a party conference, the Republicans introduced in the house resolutions to the effect that war was inexpedient, that the arming of merchant vessels ought to be restricted, but that adequate provision for defense ought to be made. A warm debate followed in which Republicans contended that there was no need of war and challenged the truth of the presidential message.

The X, Y, Z
Letters

Probably at Hamilton's suggestion, a resolution was introduced in the house calling upon the president for the instructions of the envoys and their dispatches, and it passed by general consent. On the third of April, Adams complied with the request, after having substituted the letters X, Y, and Z for the names of the three French irresponsibles. The dispatches created a sensation; even the Federalists were astonished at Talleyrand's insulting conduct. The papers were published by order of the senate, and the effect throughout the country was the same that it was in congress. For a time, the Republicans were silenced and many of the lukewarm went over to the Federalists. The war spirit flamed up hot and fierce. Almost in despair, Jefferson opposed all warlike measures and fought for time that passions might have opportunity

April 8

to cool. But Talleyrand's attempt to whip America into a revocation of Jay's treaty and a docile compliance with his interpretation of the requirements of the treaty of alliance had failed and French and American flags were untwined.

For the first and last time in his life, John Adams tasted the sweets of popularity. He was overwhelmed with addresses of approval, and the new songs, "Hail Columbia" and "Adams and Liberty," stirred the people to wild delight. A day of fasting and prayer was generally observed and, on the Fourth of July, Talleyrand was burned in effigy. The "Federal-Americans" triumphed in the spring and fall elections, the *Aurora* suffered serious loss of circulation, and the tricolor gave way to the black cockade. In congress, so many went over to the Federalist side that, between the twenty-seventh of March and the end of the session on the sixteenth of July, a score of warlike measures were carried through. A navy department was created of which Benjamin Stoddert became the first secretary. The three new frigates were ordered equipped and the purchase of ten galleys and twelve armed ships was authorized. Merchant vessels were given the right to defend themselves and, though there was no declaration of war, the treaties with France were declared at an end and the president was authorized to use the navy in capturing vessels that interfered with American commerce. On the sixteenth of July, the building of three more frigates was ordered. The navy soon became more popular than the army; the sons of prominent families proffered their services and, in some instances, entire crews were enlisted in a few hours. The army was to be increased by a new regiment of artillery and ten thousand volunteers enlisted for three years. A direct tax of two millions was levied and the president was given power to borrow five millions more. As if rendered reckless by the spirit of the hour, the Federalists passed the alien and sedition acts, a detailed consideration of which will be given in the following chapter.

Perilous
Popularity

May 9

April 30

July 7

1 7 9 8

I 7 9 8

Marshall's
Return

While the excitement was at its height, John Marshall landed at New York; his progress thence to Philadelphia was a continuous ovation. Jefferson says that when he neared the capital "the secretary of state and many carriages, with all the city cavalry, went to Frankford to meet him, and on his arrival here, in the evening, the bells rung till late in the night, and immense crowds were collected to see and make part of the show." Members of the two houses of congress gave the returned envoy a public dinner at which the famous sentiment, "Millions for defense, but not a cent for tribute," was voiced.

Gerry's
Recall

June 21

March 23

Marshall brought additional documents and a letter from Gerry explaining why he had remained in France. Adams transmitted these papers to congress together with copies of the late instructions that had been sent to the envoys and a statement that the negotiations were at an end. "I will never," he declared, "send another minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation." He also transmitted copies of the instructions sent to the envoys after the receipt of the X, Y, Z letters, to the effect that if, at the time of the receipt of the instructions they were not in negotiation with authorized representatives of the French government, they were to demand their passports and return to America. Marshall had left France before the arrival of this letter at Paris. A few days later, Gerry was summarily ordered home.

The New
Navy in
Action

Under the authority given by congress in July, many of the vessels of the infant navy put to sea. About the middle of July, the frigate "United States," Captain John Barry, and the 20-gun ship "Delaware," Captain Stephen Decatur Sr., captured three French privateers, but in November, the "Croyable," a 14-gun privateer that had been seized by the "Delaware" before the outbreak of hostilities, renamed the "Retaliation," and adopted into the American navy, was recaptured by the French frigate "L'Insurgente." Three squadrons under Captain John



MAP OF THE WEST INDIES
(From Paine's *Universal Geography*, published in 1799)

U.S. Frigate "Constitution" Feb'y. 21. 1799.

Cloudy W. Steady Breeze.
at 3 P.M. Saw a Strange Sail
bearing E. S. E. at 4 Answered the
signals of United States Com.
Barry. Spoke her and made
sail in company. at 7 M. fore
sail and hauled over Wind
Pointe Rupert, head S. S. W. by N. by E.
Went as before between Dominica
and the Saints at 5 P.M. and
made sail for Pointe Rupert bay
in company with the United States
Mustard the Anchor and at 9 am
too in 17 fms in company with the
United States

Capt. A. waited on the Comm.

PAGE FROM THE LOG OF THE "CONSTITUTION," CONTAINING MENTION OF HER
MEETING WITH BARRY'S VESSEL IN THE WEST INDIES

Barry, Captain Thomas Truxtun, and Captain Thomas Tingey were soon sent to the West Indies. 1 7 9 8
1 7 9 9

The arrival of the American frigates in the West Indies was the occasion of not a little merriment among the French and English officers stationed in those waters, for the vessels marked a new departure in naval construction. The English officers were especially emphatic in their predictions of the failure of the "monstrous and preposterous" armaments and "many a messroom rang with laughter over the imaginary mishaps that would befall the presumptuous attempts at naval architecture by 'rebel subjects,' as the Americans were still graciously called by their friends the English."

An opportunity for testing the merits of one of the new vessels presently occurred. On the ninth of February, while cruising near Saint Kitts, the "Constellation," rated at thirty-six guns but carrying forty-eight, chased a French frigate and, thanks partly to the stranger's losing her main-topmast in a sudden squall, came up with and attacked her. By superior maneuvering, the "Constellation" twice raked the French ship and, after an hour's combat, was about to do so a third time when the enemy struck her colors. She proved to be the frigate "L'Insurgente" that a few months before had retaken the "Retaliation," and was now carrying forty guns and commanded by Captain Barreaut. "Why have

He Laughs
Best who
Laughs Last

The
"Constella-
tion" and
"L'Insur-
gente"

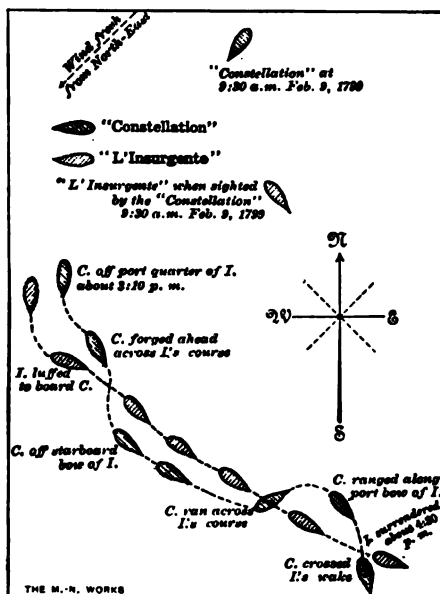


Diagram of the Action between the "Constellation" and "L'Insurgente"

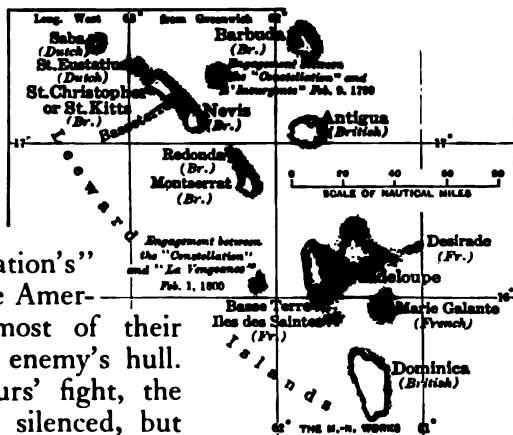
1 7 9 9 you fired upon the national flag?" were Barreaut's first
 1 8 0 0 words, "our nations are not at war." "You are my
 prisoner," was the laconic answer of Captain Truxtun of
 the "Constellation." The losses sustained were very
 unequal, that of the "Constellation" being two killed
 and three wounded, while that of "L'Insurgente" was
 forty-one killed and seventy wounded. Among the
 American officers who participated in the fight were
 Lieutenant John Rodgers and Midshipman David Porter,
 of whom more hereafter.

The
 "Constella-
 tion" and
 "La Ven-
 geance"

On the first day of the following February, while cruis-
 ing to the westward of the island of Basse Terre, Captain
 Truxtun chased and, on the evening of the second, over-
 hauled a heavy French frigate. About eight o'clock, the
 stranger's stern chasers and quarter-deck guns opened
 fire. For some time, the "Constellation" did not reply
 as Truxtun wished to come to close action at once, but,
 after reaching a favorable position, he gave the word to

fire and a de-
 structive broad-
 side was poured
 in. As if desiring
 to avoid an ac-
 tion, the French
 frigate's fire was
 directed chiefly
 at the "Constellation's"
 rigging, while the Amer-
 icans devoted most of their
 attention to the enemy's hull.
 After a five hours' fight, the
 French fire was silenced, but
 the "Constellation's" rigging
 had been so badly injured that
 her mainmast fell and the
 enemy escaped in the darkness.

Subsequently, it was learned that the French vessel was
 the 40-gun frigate "La Vengeance." The loss of the
 "Constellation" was fourteen men killed and twenty-five



Map of the West Indies to Illustrate the
 Engagements between the "Constel-
 lation" and "L'Insurgente,"
 and the "Constellation"
 and "La Vengeance"

wounded, and that of "La Vengeance" fifty killed and one hundred and ten wounded. 1 7 9 8
1 8 0 1

For some time subsequent to this action, the American squadrons cruised in search of French vessels, the most notable exploit-
ture of the cor-
ceau" by the
ton." As the
also at war with
they were un-
much damage
their antago-
the American
notified that the
Throughout the
duct of the in-



being the cap-
vette "Ber-
corvette "Bos-
French were
Great Britain,
able to inflict
upon either of
nists. In 1801,
cruisers were
war was over.
contest, the con-
fant navy had

The Record
of the Little
Navy

Thomas Mifflin

been highly creditable: eighty-four armed French vessels, mostly privateers, had been captured and, under its protection, the exports of the United States had risen from fifty-seven million dollars in 1797 to more than seventy-eight million dollars in 1799. Not less important was the fact that experience and confidence were gained by officers and sailors who were to play a part in a greater and more serious conflict. \$78,665,528

The story of the army for this period is less glorious. The army bill established the rank of lieutenant-general and commander-in-chief and provided for an inspector-general with the rank of major-general, two major-generals, and four brigadiers. On the second of July, 1798, Adams named Washington for the first position and the appointment was unanimously ratified. Washington accepted with the understanding that he should choose the July 3

The Army
Organization

1 7 9 8 general staff and that he should "not be called into the field until the army is in a situation to require my presence, or it becomes indispensable by the urgency of circumstances." For inspector-general, Washington recommended Hamilton, and for major-generals, Charles C. Pinckney and Knox. Adams submitted the nominations to the senate in this order and they were confirmed. Congress closed its session on the sixteenth of July. From the seventeenth to the nineteenth, the senate held a special session. After the adjournment of the senate, Adams returned to his home at Quincy, thus following an example set by Washington.

Ambition and
Jealousy

Although Hamilton had persistently refused to reënter civil life, he was anxious for high military command. Knox and Pinckney had held higher rank in the old army, but Hamilton's friends now insisted that, as his name came second in the list of nominations and ratifications, he was second in rank. As Washington was growing old and infirm, this interpretation would give Hamilton the real command. Knox and his friends contended that, as his rank had been higher than Hamilton's, he was entitled to the second place. Adams, who thoroughly disliked Hamilton, adopted Knox's view. Just what influences were brought to bear on Washington is uncertain; admirers of Hamilton and friends of Adams still wrangle about it. At first, Washington expressed a preference for Pinckney saying that to put Hamilton first would breed "disgust" and "sow the seeds of discontent," but he soon declared for Hamilton in such forcible terms that Adams had to yield. The quarrel was unfortunate for all concerned; Hamilton lost the friendship of Knox who refused his appointment, Adams's hostility to Hamilton was increased, and the rift in the Federalist party was distinctly widened.

July 11

September 25

The Miranda
Episode

It is probable that Hamilton's anxiety to obtain military command was incidental to imperialistic plans that were floating through his brain. At this time, he was engaged in intrigues with Francisco Miranda who was endeavoring to revolutionize South America. Miranda had served in

the West Indies and under Galvez against Pensacola; when forced to flee from Cuba, he visited the United States and formed the acquaintance of Hamilton with whom he had frequent conversations on his "project of liberating S Am from the Spanish Domination." He was now in London trying to interest the British ministry in his plans and to get into touch with the government of the United States. He told Rufus King, the American minister to England and Hamilton's close friend, that he had just come from a conference with Pitt and that it was England's desire to cultivate friendship and harmony with the United States, pointed out that if the two powers were jointly to oppose France and Spain it would be easy to liberate Spanish America and to enjoy the rich trade monopolized by Spain, and proposed that the two states undertake a joint expedition. He made similar proposals to England. The British government was unwilling to begin a movement that might lead to "scenes of wretchedness" in America, but decided to fall in with Miranda's plans in case Spain was about to lose her independence and be merged with France. Miranda sent hopeful letters to Adams, Hamilton, and others in the United States and King wrote to Pickering advocating the scheme.

In August, Hamilton wrote to King: "With regard to the enterprise in question, I wish it much to be undertaken, but I should be glad that the principal agency was in the U. States—they to furnish the whole land force necessary. The command in this case would very naturally fall upon me—and I hope I should disappoint no favorable anticipation. . . . Are we as yet mature for this undertaking? Not quite—But we ripen fast, and it may (I think) be rapidly brought to maturity, if an efficient negotiation for this purpose is at once set on foot." Pickering, however, did not reply to the suggestions of Miranda and King and, even when Adams sent him a new letter from Miranda with an inquiry as to the attitude that should be adopted, the secretary seems to have sent no written answer. Hamilton chafed exceedingly because the administration had "no general plan." He thought

1798

1783-84

Hamilton's
Hopes

August 22

- 1798 that if the chief was "too desultory," his ministers ought to be more united and steady. "Besides eventual security against invasion, we ought certainly to look to the possession of the Floridas and Louisiana, and we ought to squint at South America." But the treaty of peace with France removed the pretext for the gathering of an army and the reopening of the Mississippi removed the cause for war with Spain. Adams was no imperialist, the British government held back, and the whole plan came to nothing. It is possible that Hamilton was harboring other schemes of some of which more hereafter.
- June 27, 1799 *Cooling Ardor* The work of creating the new army went forward very slowly. The war secretary lacked administrative ability and Hamilton wrote to Washington that "my friend McHenry is wholly insufficient for his place, with the additional misfortune of not having the least suspicion of the fact." Washington complained that the "spirit and enthusiasm which were inspired by the Dispatches from our Envoys, that resentment which was roused by the treatment of our Commissioners by the Directory" were "evaporating fast." The alien and sedition laws had cooled the military ardor of the people and the Republicans were recovering their courage. Party feeling ran so high that Washington wrote to McHenry warning him against giving commissions to brawlers "who would endeavor to divide and contaminate the army by artful and seditious discourses and, perhaps, at a critical moment, bring on confusion; . . . you could as soon scrub the blackamore white, as to change the principle of a profest Democrat." Adams grew indifferent as to the organization of the army; he was not anxious to increase Hamilton's power and had begun to think that war might be avoided. To McHenry he said: "Regiments are costly articles everywhere, and more so in this country than in any other under the sun. . . . At present there is no more prospect of seeing a French army here than there is in heaven." Recruiting was not begun until the spring of 1799, a year after the disclosure of the X, Y, Z correspondence. Even then, men enlisted so
- July 29
- September 14
- September 30

slowly and desertions were so frequent that the army progressed "like a wounded snake," and the Republicans were active in their efforts to convince the people that an army was not needed.

In this, the Republicans were not far from right. It became more and more evident that France did not want to fight with the United States and that, if war was to be declared, the United States would have to do it. In October, 1798, Gerry arrived with pacific assurances, but he was now discredited and his words had but little effect upon most of those in authority. He was kindly received by the president at his Massachusetts home, and with bitter animosity by many of his fellow citizens. The Federalist faction could not condone his mistake in acting alone after the departure of Pinckney and Marshall and he and his family were wantonly insulted. On one occasion, a guillotine, smeared with blood and bearing the effigy of a headless man, was set up under the windows of his home. Assurances similar to those that Gerry brought were sent to Pichon, the French minister at the Hague, and by him transmitted to Murray who forwarded them to the president. In fact, the directory had, in August, issued decrees more favorable to the neutral rights claimed by the United States, released imprisoned American citizens, and raised the embargo on American shipping.

Gerry's
Return

In June, 1798, Doctor George Logan, a Philadelphia Quaker and a grandson of James Logan, the celebrated secretary of William Penn, at his own cost and with no credentials save certificates of citizenship, went to France with the patriotic purpose of averting war between that country and his own. At Paris he was hailed as the envoy of peace, was dined and feasted by Merlin, and was received by Talleyrand. In November, he returned to Philadelphia with the verbal assurance that France would negotiate for peace. The yellow fever had driven many from the town and Pickering was at Trenton whither Logan hastened. But the Quaker was not met with the promised reward of the peace-maker. Pickering received him coldly and, in an interview at Philadelphia,

Logan's
Mission

1798 Washington treated him with studied discourtesy; he was
 November 13 accused by the Federalists of having carried traitorous
 information to France; and congress passed the so-called
 January 30, "Logan act" making it a high misdemeanor for a private
 1799 citizen to interfere in such matters. The Republicans,
 however, made much of him and secured his election to
 the Pennsylvania assembly. Adams also received him
 with consideration and was impressed by the news he
 brought. Logan's interference undoubtedly was improper,
 but it did no harm and it may have done some good.

An
 Independent
 Executive

October 20

After receiving the first letter from Murray, Adams wrote to Pickering concerning certain things that must be considered before the meeting of congress and upon which he desired the advice of the heads of departments. Should the president recommend a declaration of war? Would it be proper to nominate a minister to be sent to France as soon as assurances should be given by the directory that he would be properly received? A council of leading Federalists, including Hamilton, Pinckney, and perhaps Washington, met at Philadelphia and prepared a speech for the president's use. Congress was to reassemble on the third of December and Adams returned to Philadelphia just in time for the opening of the session. When he pronounced his message from the speaker's chair, the presence of the newly appointed generals, Washington, Hamilton, and Pinckney, cast a shade of warlike determination over the assembly. The president adopted most of the speech that the Federalist council had prepared for him, but changed the part in which lay the marrow and chief importance of the document. Instead of saying that the sending of another minister to France would be "an act of humiliation," he inserted a passage in which he intimated that he was ready to send another minister if assurances were received that he would be properly treated—a thing that the Hamiltonians insisted he had no political right to do.

The
 "Baltimore"
 Affair

As if the heads of English naval commanders had been turned by Nelson's victory of the Nile, British interference with American shipping was growing worse. In

November, 1798, an English cruiser stopped the "Baltimore," an American war vessel, and carried off fifty-five seamen for examination, retained five of them as British subjects, and pressed them into the British service. The claimed right of search having led to action that was intolerable, Adams issued an order to American naval commanders to prevent any repetition of the insult: "Do not submit to search but resist to the utmost and, if overpowered by superior force, strike your flag and yield your vessel; but not the men without the vessel." The British government disavowed the act, but the incident deepened Adams's dislike for an alliance with England.

Adams's hope that the quarrel with France might be settled peaceably was strengthened by the receipt of an official dispatch from Talleyrand, transmitted through Pichon and Murray. Echoing the president's words, Talleyrand gave assurances that "any plenipotentiary which the government of the United States may send to France in order to terminate the differences which exist between the two countries, will incontestably be received with the respect due the representative of a free, independent, and powerful nation." Without giving even to his cabinet a hint of what he was about to do, Adams sent to the senate the nomination of William Vans Murray, then minister to Holland, to be minister to France, but stipulating that Murray should not go to that country until "direct and unequivocal assurances" had been given by France that he would be received in his proper character and that a minister of equal rank, title, and powers would be appointed to treat with him. Adams later said: "I knew that if I called the heads of departments together and asked their advice, three of them would very laconically protest against the measure. The other two would be loath to dissent from their brethren, and would more moderately and mildly concur with them. The consequence would be, that the whole would be instantaneously communicated to A. B. C. D. E. F. &c., in the Senate, and G. H. I. &c., in the House of Representatives; the public and the presses would have it at once, and a clamor

Adams
Nominates a
Minister to
France
September 28,
1798

February 18,
1799

1799 raised, and a prejudice propagated against the measure, that would probably excite the Senate to put their negative on the whole plan."

Adams Names
Commissioners
to France

The nomination created consternation among the Federalists. Pickering hastened to assure Hamilton that Adams had acted without consultation with his cabinet and wrote to Washington that the president was "suffering the torments of the damned as a consequence of his nomination." "Had the foulest heart and the ablest head in the whole world been permitted to select the most embarrassing and ruinous measure," wrote Theodore Sedgwick, "perhaps it would have been precisely the one which has been adopted." Hamilton said that the step "would astonish, if anything from that quarter could astonish." A committee of five Federalists called on the president to induce him to reconsider his action, but Adams was obdurate and declared their action "unconstitutional." The Federalist senators decided to reject Murray, but, before the nomination came up for a vote, Adams sent in a new message substituting a commission of three and nominating Chief-justice Oliver Ellsworth, Patrick Henry, and Vans Murray as joint commissioners. The nominations were confirmed, Henry declined the appointment, and Governor William R. Davie of North Carolina was named in his place. After a few days of hurried and strenuous legislation, congress adjourned on the morning of Sunday, the third of March, and Adams retired to his home at Quincy. Personal friends remonstrated because of his absence from the seat of government. Still he lingered on his farm and transacted public business by means of the slow-going mails. Added to the other troubles of that summer was the return of the yellow fever. Many were driven from the capital by the dreaded scourge and the executive offices were temporarily removed to Trenton.

February 25

Delay

By this time, the "Anglicist Federalists" were so anxious for war that they hoped delay would prevent the success of the mission. It took months to communicate with France and, meanwhile, Ellsworth and Davie

remained in the United States. When formal and official assurances that they would be properly received came from Talleyrand, Pickering secured further delay by pointing out to Adams, who was at Quincy, that there had been political changes in France since the sending of the message. By the tenth of October, Adams was at Trenton. On that day, the Republicans carried Pennsylvania as if to foreshadow a Federalist defeat at the coming general election. Lee and Stoddert were inclined

1799
July 30



Review of Boston Troops on President Adams's Birthday, October 31, 1799

to the president's view, while the other cabinet members opposed him and were given moral support by Hamilton's presence in the town. Adams, however, held his ground and gave orders that a frigate be made ready to receive Davie and Ellsworth not later than the first of November. Pickering wrote: "The die is cast, the envoys go to France or rather to Europe to see if they can enter France," and Wolcott added: "Thus are the United States governed as Jupiter is represented to have governed Olympus."

October 16

On the fifth of November, the two commissioners set

1799 sail; by the second of March, 1800, the three were at 1800 Paris and presented their credentials. In the meantime,

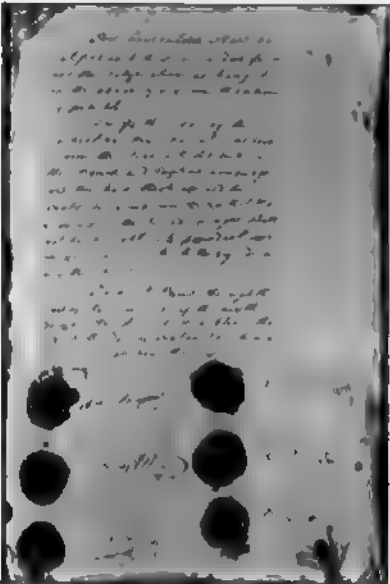
The Treaty of
Mortfontaine

November 9,
1799



Autograph of Joseph Bonaparte

head to negotiate with the envoys. A convention was signed on the thirtieth of September, 1800; it restored peaceful relations between the two countries, laid down reasonable regulations for the protection of neutral commerce, and provided that the spoliation claims should be settled at some future time. When, late in the year, Davie returned with the convention, the capital had been moved to the Potomac, the presidential election had been held, Federalist power was on the wane, the war spirit had almost wholly evaporated, and Hamilton advised his followers to ratify the treaty rather than to take



Last Page of the Treaty of 1800 with France

the risk of having a new one negotiated by the Republicans. After expunging the article regarding spoliation claims, the senate ratified the treaty on condition that the convention should be limited to eight years. Bonaparte ratified it with the proviso that the elision of the second

February 18,
1801

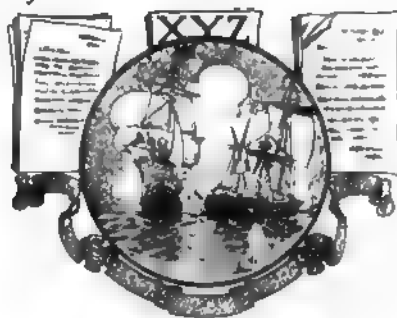


VANE MURRAY'S PASSPORT, SIGNED BY TALLEYRAND, DATED "17 THERMIDOR L'AN 9"
(AUGUST 4, 1801)

1801 article should be held to mean that each country renounced the claims to which that article related. After the Federalists had fallen from power, the senate finally ratified the treaty in this form. Thus France escaped the payment of indemnity for spoliation and American merchants lost all chance of compensation for their losses, but never since those days has France "assumed a right of parental discipline on the score of ancient benefits."

An
Appreciation

Thus ended the quasi-war with France, the chief credit for the happy end of which is due to John Adams. In resisting the warlike tendencies of the Hamiltonian faction, the president had taken broad and statesmanlike ground; the only fault that can be found with him is the manner in which he asserted his authority and worked out his purpose. Present-day historians are agreed that he "acted boldly, honestly, wisely, and for the best welfare of the country, in a very critical peril." He saved the United States from a costly and perhaps a disastrous war, and possibly from internal dissensions that might have resulted in the overthrow of popular government. For himself, it was the most disastrous act of his life, but he never wavered in his opinion that he had acted wisely. In 1815, he wrote: "I will defend my missions to France as long as I have an eye to direct my hand or a finger to hold my pen. They were the most disinterested and meritorious of my whole life. I reflect upon them with so much satisfaction, that I desire no other inscription above my gravestone than: 'Here lies John Adams, who took upon himself the responsibility of the peace with France in the year 1800.'"





CHAPTER XIII

THE ALIEN AND SEDITION ACTS; THE KENTUCKY AND VIRGINIA RESOLUTIONS

DURING the first year of Adams's administration, partisan bitterness had become so great that, according to Jefferson, political opponents could no longer "separate the business of the state from that of society. . . . Men who have been intimate all their lives cross the street to avoid meeting, and turn their heads another way lest they should be obliged to touch their hats." One day, in the house of representatives informally assembled, Matthew Lyon was contending that the Connecticut members did not represent the will of their constituents on a certain measure and said that, if he was to go into that state with a printing-press for a few months, he could turn out the whole delegation. "If you went into Connecticut," said Roger Griswold, a member from that state, "would you wear your wooden sword?"—a reference to the fact that while in the army Lyon had been cashiered. To this and the loud laugh from the Federalists, Lyon replied: "I know them well, for I have had to fight them whenever they came into my district." "Did you fight them with your wooden sword?" sneered Griswold. This was too much for Irish temper and Lyon spat in Griswold's face. The men were separated with difficulty and the house was called to order. The affair was referred to a committee that reported in favor of expelling Lyon. The gentleman from Vermont apologized and the vote for expulsion

The Lyon-
Griswold
Brawl

January, 1798

1798 stood fifty-two to forty-four—less than the necessary two-thirds. Instead of letting the matter rest, the newspapers took up the subject and bitterly lampooned both men in prose and verse; Lyon was the “King of Beasts” and Griswold was the “Knight of the Rheum-ful Countenance.” Griswold resolved upon revenge and one day assaulted Lyon while he was sitting in his chair and beat him over the head with a heavy walking-stick. Lyon



Caricature of the Lyon and Griswold Affair

ran to the fireplace and seized the tongs, but was soon disarmed. The two then grappled and were dragged apart. Lyon secured a stick and with it struck Griswold on the head when again the two were separated. An effort was made to expel both members, but it was urged that the house was not in session when the fight took place and the motion was defeated by a vote of seventy-three to twenty-one. Lyon was later made to feel the weight of Federalist displeasure, but the affair was not the last of the kind by which congress was disgraced.

Partisan
Editors

The party press had now become exceedingly scurrilous and malignant; never before had public men been “so

profanely denounced." Bache died of yellow fever in September and William Duane, who was born of Irish parents near Lake Champlain and whose newspaper at Calcutta had been confiscated by the British government, became editor of the *Aurora*, husband of Bache's widow, and a potent politician. A few days after Bache's death, Fenno, of the *Gazette*, died; the publication of his paper was continued by his son. During this period, James Thomson Callender, who had fled from Scotland to avoid prosecution for some of his publications, was reporting congressional debates for a Philadelphia newspaper and stirring Federalists to livid rage with his pungent and malodorous stabs at "mushroom six per-cent. aristocracy." He soon was issuing libels on Washington's administration and was the first to print the documents that exposed the Hamilton scandal.

Prominent among the editorial champions of the Federalists was William Cobbett who wrote able and scurrilous articles under the pen-name of "Peter Porcupine" and published them in *Porcupine's Gazette*. When Peter Porcupine turned his mud battery on Yrujo, the Spanish minister who had protested against the Jay treaty, "the half Don, half-sans-culotte" complained to the government and the matter was laid before a federal grand jury. Chief-justice McKean of Pennsylvania, whose daughter Yrujo soon married, also issued a warrant for Cobbett and, in his charge to the grand jury, said: "Every one who has in him the sentiments of either a Christian or a

The License
of the Press



Autograph of William Cobbett

gentleman, cannot but be highly offended at the envenomed scurrility that has raged in pamphlets and newspapers, printed in Philadelphia for several years past, inasmuch that libeling has become a kind of national crime, and distinguishes us not only from all the states around us, but from the whole civilized world." Neither the federal nor the state grand jury indicted Cobbett, but

Published by WILLIAM HARRIS, opposite Court House, Philad'a.
[] Strada, Levee, No. 1 417, 1797 []

1. The first part of the paper is a review of the literature on the effects of the environment on human health. The authors discuss the physical, chemical, and biological factors that can influence human health, and the ways in which these factors interact with each other and with the individual's genetic makeup.

2. The second part of the paper is a discussion of the methods used in the study. The authors describe the design of the study, the selection of the subjects, and the procedures used to collect and analyze the data.

3. The third part of the paper is a presentation of the results of the study. The authors report the findings of the study, and discuss the implications of these findings for our understanding of the effects of the environment on human health.

4. The fourth part of the paper is a conclusion. The authors summarize the main findings of the study, and discuss the limitations of the study and the need for further research.

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French Phrasebook
 This book is a handy reference for French phrases and expressions. It includes a list of common phrases and their English translations, as well as a list of common French words and their English translations. The book is organized into sections by topic, such as greetings, travel, and food. It is a useful tool for anyone who is learning French or who is traveling in France.

1. The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. The author discusses the various models of the atom, from the classical model of a central nucleus surrounded by a cloud of electrons, to the modern quantum mechanical model. The author also discusses the various experimental methods used to determine the structure of the atom, such as X-ray diffraction, electron microscopy, and spectroscopy.

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McKean put the editor under bonds and, as this failed to tone down the journalistic venom to the judicial standard of propriety, declared his recognizances forfeited. 1798



Caricature Against Cobbett

The Federalists seem to have had a keener appreciation of the virulence of the Republican editors than they did of the activities of Peter Porcupine. In their eyes, the state of affairs was made more scandalous and dangerous by the fact that many of the worst offenders, such as Callender, Thomas Cooper, Doctor Joseph Priestly, Collot, and Volney, were foreigners. The country was full of political refugees from England, Ireland, and France. "The whole of this multitude of foreigners," says a Federalist historian, "were attached to France from various motives, and were the active instruments of all her machinations. Their numbers, their factiousness, and the perfect state of their organization, rendered them most justly a subject of general alarm among all classes of Americans, who were not themselves regardless of the peace and welfare of their country."

A Dangerous
Coterie

1798
European
Precedents

8 Though hatred and a desire to retain power in the hands of the "better" classes were influencing motives, there can be no doubt that the Federalists felt that repressive legislation ought to be resorted to in order to save the country from excesses similar to those that had occurred in France, a step for which they had many European precedents. For example, in order to prevent the spread of the revolutionary doctrines in England, the government there had issued a proclamation against seditious writings, had suspended the writ of habeas corpus, had passed a seditious meetings act, and had prosecuted and convicted a number of agitators, including Thomas Paine, for sedition. Even in France, so much the object of Republican "veneration," the successive parties in power had shown no moderation in dealing with their opponents, as *la guillotine* bore witness. "Even Pinckney found that an alien could not dwell in France without a license, and one can easily imagine what would have happened to a man in France who undertook to organize a party opposed to the existing authority at any time from 1792-1814."

The
Naturalization
Act

June 18

The naturalization act passed in 1795 enabled an alien to become a citizen after five years' residence in the United States. As most of those who took the benefit of the law became Republicans, the Federalists saw good reason for a more restrictive policy. Some of them would have done away with naturalization altogether had there not been doubts as to the constitutionality of such a measure. Ultimately, the subject was disposed of by raising the residence requirement to fourteen years and providing that the declaration of intention must be made at least five years before admission to citizenship.

The Alien
Acts

More drastic measures quickly followed. On the twenty-fifth of April, Senator Hillhouse of Connecticut had introduced a resolution for the appointment of a committee "to consider whether any, and what provisions ought to be made by law, for removing from the territory of the United States, such *aliens born*, not entitled by the Constitution and laws thereof to the rights

of citizenship, as may be dangerous to its peace and safety; and providing for returns to be made of all aliens that shall be landed from any vessel which shall arrive in any of the ports of the United States; and that permits be granted to such as shall be suffered to reside therein; and to report by bill or otherwise." The word "born" was stricken out and the resolution thus amended was adopted. The committee reported a bill that, after various amendments, was passed by both houses and approved by the president. The act provided that for two years the president should have power "to *order* all such *aliens* as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable ground to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order." In case of disobedience, such an alien was, upon conviction, to be subject to imprisonment for not more than three years and was incapacitated from ever becoming a citizen. If he returned, after obeying the order, he was to be imprisoned at the will of the president. In the following month, another act known as "The Alien Enemies Act," authorized the president, in time of war, to cause the subjects of the hostile nation "to be apprehended, restrained, secured, and removed as alien enemies."

1798

April 26

June 25

July 6

But the act that most aroused the ire of the Republicans and worked the greatest harm to the Federalists was the famous sedition act, which the president signed on the fourteenth of July. The alien acts were condemned by many Americans "for the sake of soothing the great class of foreigners who were not yet naturalized." The sedition act, however, affected native-born Americans as well and was therefore felt to be still more oppressive. In its original form, the bill made it a misdemeanor to justify the attitude of France or to hint that the administration was acting unconstitutionally or contrary to the liberties and happiness of the people. Even in the softened form in which it was enacted, the law was a drastic

The Sedition Act

1 7 9 8 one. Any person who should combine or conspire to oppose any measure of the federal government, or to prevent any officer from performing his duty, or who should "advise or attempt to procure any insurrection, riot, unlawful assembly, or combination" was guilty of a high misdemeanor and, on conviction, was to be punished by a fine not exceeding five thousand dollars and by imprisonment during a term of not less than six months nor more than five years. Any person who should "write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the congress of the United States, or the president of the United States, with intent to defame" the government, congress, or the president, or stir up sedition or opposition to the government, was, on conviction, to be punished by a fine not exceeding two thousand dollars and by imprisonment not exceeding two years. The act was to be in force until the third of March, 1801.

How the
Alien Acts
were Enforced

May 3

Even while the bills were pending, many of the most obnoxious of the persons against whom they were directed took alarm and left the country. Jefferson wrote to Madison that "the threatening appearances from the alien bills have so alarmed the French who are among us, that they are going off. A ship chartered by themselves for this purpose will sail within about a fortnight for France with as many as she can carry. Among these I believe will be Volney, who has in truth been the principal object aimed at by the law." In fact, the alien acts were self-enforcing; Adams did not deport a single person under them.

The
Conviction
and
Punishment of
Matthew
Lyon

Unfortunately, the Federalists were not equally moderate in enforcing the sedition act. The first victim was Matthew Lyon, the hated and "excitable little Hibernian" from Vermont. Lyon had written and published in the *Vermont Gazette* a letter denouncing the fast-day procla-

mation and charging the president with "unbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice;" at a political meeting he had read part of a letter written by Joel Barlow in which the writer expressed surprise that the answer of the house to the president's speech of April 3, 1797, had not been "an order to send him to the mad-house;" and he had abetted the publication of Barlow's letter in full. For these offenses he was indicted, found guilty, fined one thousand dollars, and sentenced to imprisonment for four months. His friends petitioned the president to remit the fine, but as Lyon had not signed the application, Adams said that "penitence must precede pardon" and refused to do anything in the matter. Lyon served his term in jail, paid his fine, and, near the close of the session, appeared on the floor of the house and was welcomed by a resolution for his expulsion on the ground that he had been convicted of sedition. The motion failed for want of the necessary two-thirds vote. In 1840, after Lyon's death, congress refunded the fine with interest.

Thomas Cooper was an Englishman who had settled in Pennsylvania and begun the publication of a Republican newspaper called the *Sunbury and Northumberland Gazette*. Early in Adams's administration, he had been an unsuccessful applicant for office and, when he was taxed with inconsistency, he disclaimed the charge, saying that it was Adams, not he, who had changed and that, in 1797, Adams had been "hardly in the infancy of political mistake: even those who doubted his capacity thought well of his intentions . . . nor had he yet interfered, as president of the United States, to influence the decision of a court of justice." Judged by twentieth-century standards, these charges were not very violent; today they might pass without attracting special attention, but Cooper was indicted and brought to trial. The trial judge was Samuel Chase, "as violent and intemperate a partisan, and, therefore, as unjust a judge, as ever disgraced the bench of the Circuit Court of the United States." In his charge to the jury, Chase interpreted the

The Case of
Doctor
Cooper

April 11,
1800

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1798 law so that conviction was inevitable. When the jury brought in a verdict of guilty, the judge fined the prisoner four hundred dollars and sentenced him to prison for six months. Adams expressed a willingness to pardon the offender, but Cooper, indignant because the president had made public his application for office, would not accept clemency unless the president admitted that he had been in error. Adams could not do this and Cooper served his sentence.

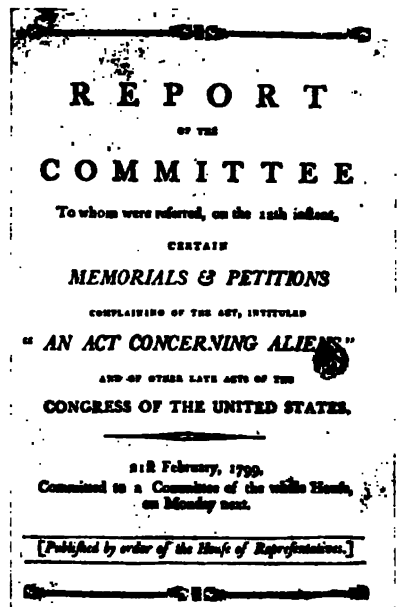
**Partisan
Prosecutions**

In all, ten Republican editors and printers, including Duane and Callender, were convicted under the sedition act. Bache was indicted but died before he was brought to trial. Many others were indicted but not tried. The enforcement of the law quickly became a partisan affair; it was practically impossible to secure a conviction unless the jury was packed.

**Republican
Sentiment**

From the moment that the alien and sedition acts were proposed in congress, the Republicans protested against them, charged that the acts were oppressive and unconstitutional, and that they were the beginning of a Federalist plan to centralize the government and to set up an aristocracy or a monarchy. Jefferson wrote that "if this goes down, we shall immediately see attempted another act of Congress, declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession of his heirs, and the establishment of the Senate for life." The cry of "freedom

October 11,
1798



Title-page of the Report on the Memorials and Petitions Against the Alien Act

of speech" and "liberty of the press" was generally raised; resolutions against the obnoxious acts were passed and published in many parts of the country, particularly in the Middle States and the South; and petitions to congress for the repeal of the acts were signed by thousands. 1798

The congressional elections of 1798 were very unfavorable to "the outs;" even in the South, the Federalists won twenty-two out of thirty-seven seats. It has been said that, in their discouragement, some Republicans had thoughts of dissolving the Union, and that John Taylor of Caroline, a former senator from Virginia (he who, in 1794, had notified Madison of what he took to be the design of King and Ellsworth to disrupt the Union), had written to Jefferson to that end. It seems certain that Taylor did write to some one something about estimating "the separate mass of Virginia and North Carolina with a view to their separate existence," but it is not certain whether he said that such estimate was "not unwise" or that it was "unusual." At all events, Jefferson saw the letter and replied: "In every free and deliberating society, there must, from the nature of man, be opposite parties, and violent dissensions and discords. . . .

Jefferson on
Secession

But if on a temporary superiority of the one party, the other is to resort to a scission of the Union, no federal government can ever exist. If to rid ourselves of the present rule of Massachusetts and Connecticut, we break the Union, will the evil stop there? Suppose the New England States alone cut off, will our nature be changed? Are we not men still to the south of that, and with all the passions of men? Immediately, we shall see a Pennsylvania and a Virginia party arise in the residuary confederacy, and the public mind will be distracted with the same party spirit. What a game too will the one party have in their hands, by eternally threatening the other that unless they do so and so, they will join their northern neighbors. If we reduce our Union to Virginia and North Carolina, immediately the conflict will be established between the representatives of these two States, and they will end by breaking into their simple units." June 1

special purposes, delegated to that Government certain definite powers, reserving each state to itself, the residuary mass of right to their own self Government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each state acceded as a state, and is an integral party, its co-states forming as to itself, the other party; That the Government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itself; since that would have made its discretion, and not the constitution, the measure of its powers; but that as in all other cases of compact among parties having no common Judge, each party has an equal right to judge for itself, as well of infractions as of the mode and manner of redress." The alien and sedition acts were declared "altogether void and of no force," because the power to legislate on such subjects had not been delegated to the Federal government but was reserved to the states, and a broad construction of the constitution was declared unwarranted. Kentucky's co-states were called upon to "concur in declaring these acts void and of no force." For herself, the state declared that she would "submit to undelegated & consequently unlimited powers in no man or body of men on earth."

The Virginia resolutions were adopted by the legislature of that state in December of the same year. They were written by Madison and were more moderate than those of Kentucky, but likewise laid down the theory that the constitution is a "compact and that, in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States, who are parties thereto, have the right and are in duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them." The resolutions did not state how this was to be done. The alien and sedition acts were denounced as unconstitutional and regret was expressed "that a spirit has in sundry instances

The Virginia
Resolutions

1 7 9 8

1 7 9 8 been manifested by the Federal Government to enlarge
 1 8 0 0 its powers by forced constructions of the constitutional
 charter which defines them." The other states were
 called upon to concur with Virginia in declaring the acts
 unconstitutional and in assisting to maintain unimpaired
 the rights and liberties of the states and people.

The Compact
 Theory of the
 Constitution

December,
 1798–October,
 1799

The publication of the Kentucky and Virginia resolutions was followed by petitions and remonstrances, but the action taken by the other legislatures was decidedly unfavorable. In the South, where the Republicans were strongest, it seems to have been deemed better politics not to force action upon the resolutions. The legislatures of all the states north of Virginia took the resolutions under consideration and, as the Federalists were in control, gave emphatic expressions of disapproval, either by direct replies or by other legislative action. While they all defended the alien and sedition laws and held that the federal courts were the proper authorities to pass upon the constitutionality of the federal laws, Vermont was the only state that ventured to attack directly the doctrine that the constitution was a compact; "the old confederation, it is true, was formed by the State legislatures, but the present Constitution of the United States was derived from a higher authority. The people of the United States formed the federal constitution, and not the states or their Legislatures." The silence of the other legislatures on the subject seems to indicate that even in the North the states were jealous of their powers and dignity and that the compact theory was more generally accepted by them then than it was later.

Nullification

January, 1800

November 22,
 1799

The replies of the other legislatures were taken up and considered by those of Kentucky and Virginia. The Virginia assembly reaffirmed its adherence to its former resolutions and adopted a long report written by Madison in defense of the compact theory. The Kentucky legislature reaffirmed its former resolutions and added a new one. In this the state declared herself "faithful to the true principles of the Federal Union, unconscious of any designs to disturb the harmony of that Union [as had

been alleged], and anxious only to escape the fangs of despotism." The principle "that the General Government is the exclusive judge of the extent of the powers delegated to it" was denounced as stopping "nothing [short] of *despotism*. . . . The several states who formed that instrument being sovereign and independent, have the unquestionable right to judge of the infraction; and . . . a *Nullification by those sovereignties, of all unauthorized acts done under color of that instrument is the rightful remedy*."

Outside of legislative halls, the Kentucky and Virginia resolutions were warmly attacked and warmly defended by the press and by party orators. The Federalists affected to believe that they were part of a French plot to detach Kentucky from the Union and to unite it with Louisiana which France was said to be endeavoring to regain, and that they portended a dissolution of the Union. Still, the resolutions attracted less attention than might be inferred from the stress laid upon them by historians now. It has often been claimed that the principles of the resolutions were accepted by the people at the next election, but the claim is not warranted by the facts. Outside of Virginia, the campaign of 1800 had but little reference to the resolutions and neither the principle involved nor the remedy proposed was an issue in the contest. Had it not been for events of later years, it is probable that History would not have emphasized the resolutions at all.

It is not probable that either Jefferson or Madison had any clear conception of the doctrines that were to be developed from the resolutions. As we have already seen, Jefferson was opposed to secession and it is evident that he was not ready to bring affairs to a crisis. "I think we should distinctly affirm all the important principles they [the Kentucky resolutions] contain," he wrote to Madison, "so as to hold to that ground in future, and leave the matter in such a train as that we may not be committed absolutely to push the matter to extremities, & yet may be free to push as far as events will render

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The
Importance
of the
Resolutions

As to
Jefferson

November 17,
1798

1 7 9 8 prudent." But he feared that the Federalists, controlling
 1 8 o o all departments of the government, would revolutionize
 the federal system through a broad construction of the
 constitution, destroy the states, and ultimately set up the
 aristocracy or monarchy that, as he believed, the extreme
 among them desired. What he would have done had
 such an attempt been made is wholly problematical.
 The downfall of the Federalists in the election of 1800
 rendered such a course as impossible as Federalist his-
 torians have represented the desire to be improbable.
 Professor Bassett has suggested that Jefferson was so
 intent on the present that he "saw not the remote effects,
 and perhaps cared not for them."

As to Madison Madison lived to see the nullification troubles in South
 Carolina and to denounce nullification and secession as
 "twin heresies" that "ought to be buried in the same
 grave." He denied that the resolutions of 1798 and 1799
 were intended to assert the right of a single state to arrest
 or to annul an act of the general government, as that
 right could belong to them collectively only. He also
 attempted to show that the theory of nullification should
 not be fathered upon Jefferson, because the resolutions
 written by him and adopted by the Kentucky legislature
 in 1798 did not contain the word. Doubtless, Madison
 did not know that Jefferson's original draft of his eighth
 resolution contained the statement that "where powers
 are assumed which have not been delegated, a nullifica-
 tion of the act is the rightful remedy: that every state
 has a natural right in cases not within the compact, (*casus*
non fœderis,) to nullify of their own authority all assump-
 tions of power by others within their limits," clauses that
 constitute a perfect antitype of Calhoun's perfected
 theory. These clauses were eliminated, but whether by
 Jefferson or some one else is not known.

The
 Evolution of
 Sadness and
 Sorrow

It has been said, and it probably is true, that the term
 nullification did not mean to Jefferson just what it meant
 to Calhoun. Though the resolutions of both Kentucky
 and Virginia laid down the theory of state action against
 unconstitutional laws, they carefully avoided any sug-

gestion of action by a single state. Says Professor Alexander Johnston: "It is always 'those sovereignties' which are to undo unconstitutional laws — 'the states', not 'a state'; and practically the Jeffersonian doctrine seems to have been that there were but two parties to the 'compact', the states on the one part, and the federal government on the other, and that the former in national convention were to be frequently assembled to decide on the constitutionality of the latter's acts." But ideas and doctrines and definitions change with the years. The germ of nullification that thus sprung from the intense individualism of Thomas Jefferson was destined, after successive cultivations by Randolph of Roanoke and Calhoun of South Carolina, to find its ultimate expression in Jefferson Davis, secession, and four years of bloody war.

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C H A P T E R X I V

THE FALL OF THE FEDERALISTS

Convicted of
Treason

November 26,
1798

March 7,
1799

ABOUT the time that the Kentucky resolutions were adopted, Jefferson, with his keen knowledge of human nature, wrote to a friend that old Doctor Taxgatherer would soon cure the people of their enthusiasm for a war with France. The collection of the direct taxes, rendered necessary by the preparations for war, aroused much opposition, particularly in Pennsylvania in the eastern counties of which the assessors were resisted and violently treated. In Bucks County, a mob, led by an auctioneer named John Fries, forbade the assessors to continue their work; there were similar outbreaks in Lehigh and other counties. When a federal marshal began to arrest the malcontents, a great crowd chose Fries as its leader, marched to Bethlehem, and freed the prisoners. A presidential proclamation ordered the rioters to disperse and to submit to the laws and an armed force was sent into the disaffected region. Fries and two others were convicted of treason and sentenced to be hanged, the only convictions for that offense ever obtained in the United States. Much against the wishes of Hamilton and the advice of members of the cabinet, Adams pardoned them and issued a general amnesty for the other offenders. As the trouble had occurred in a Republican stronghold where the *Aurora* was much read, the Federalists declared that this was the beginning of the anarchy that they had long been prophesying.

The first session of the sixth congress, the last that was held at Philadelphia, was begun on the second of December, 1799. At first glance, it looked as if there had been a revival of Federalist sentiment, especially in the membership of the house where Otis and Sewall of Massachusetts, Dana, Goodrich, and Griswold of Connecticut resumed their seats along with Bayard of Delaware. Through Washington's influence, Patrick Henry, who had acquired wealth and abjured his Anti-federalist ways, became a candidate for the Virginia house of delegates.

He was elected but, before the assembling of the state legislature, he died. On election day, Washington rode ten miles to cast his vote for the Federalist candidate for congress. In that state, the "strong citadel of Jeffersonian ideas," the Federalists elected eight of the seventeen congressmen, including Henry Lee and John Marshall, the latter marked by the manifest favor of the president as the administration leader in the house. They also secured seven out of ten in North Carolina; five out of six in South Carolina, including Harper and Thomas Pinckney; and both of the members from Georgia. But these southern Federalists were of a milder type than the solid and unyielding New England stock, and New York and Pennsylvania sent an anti-administration majority that included Livingston and Gallatin. But most picturesque of all was a new member from Virginia, a beardless youth, proud of his Pocahontas pedigree, tall and tawny, with a piping voice, a small head, black and piercing eyes, "legs pro-

1799
The Political
Status



Tomb of Patrick Henry

June 6

1799 portioned to the body like a pair of tongs," stinging and saucy in his invective but at times borne upward in a wild strain of passionate eloquence—in short, John Randolph



of Roanoke. The senate still showed a grim, reliable Federalist majority; among its new members were Samuel Dexter of Massachusetts, Gouverneur Morris of New York, Jonathan Dayton of New Jersey, lately speaker of the house, and Charles Pinckney, lately governor of South Carolina. The house organized by electing as speaker, Theodore Sedgwick of Massachusetts who, after three years of service

John Randolph of Roanoke

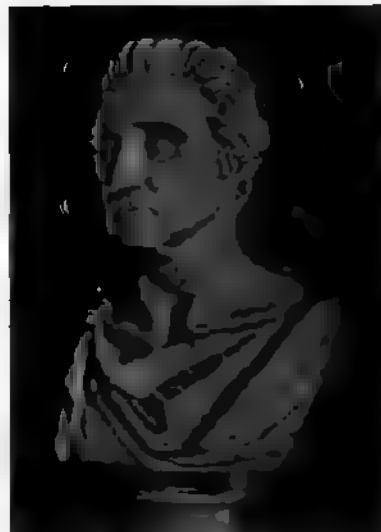
in the senate, had been again elected to the lower branch. On the third of December, the president submitted to the "Gentlemen of the Senate and Gentlemen of the House of Representatives" his

Theodore Sedgwick

Autograph of Theodore Sedgwick

third annual address, in which he recommended a revision and amendment of the judiciary system as "indispensably necessary" that the laws may be executed and individuals guarded from oppression, and "a steady perseverance in a system of national defense commensurate with our resources and the situation of our country."

After a brief illness, George Washington died at Mount Vernon on the fourteenth of December, 1799. The news plunged the country into deepest sorrow and momentarily silenced the scream of party strife. Congress resolved that in respect for his memory a marble monument should be erected at the new capital, that a funeral oration should be delivered before congress by some member selected for the purpose, and recommended that the people should wear mourning for thirty days. In Europe as well as in his native land, there were tokens of esteem for the dead and sadness for the world's loss.



Bust of Washington by Trentanove



Washington's Tomb

The great British fleet 1799
lying at Torbay lowered its flags to half-mast, and Bonaparte, then first consul, caused all the standards in the French public service to be draped in mourning. Of the many commemorative odes written in the stilted style of the time none can be said to have survived, but in the resolutions presented to the house by John Marshall occurred a phrase which, repeated with slight variation by Henry Lee in his oration before congress, has survived the years and bids fair to

The Death of
Washington

peated with slight variation by Henry Lee in his oration before congress, has survived the years and bids fair to

A Proclamation.

By the President of the United States of America.

WHEREAS the Congress of the United States have this day Resolved, "That it be Recommended to the People of the United States to assemble on the *twenty-second day of February next*, in such numbers and manner as may be convenient, publickly to testify their Grief for the Death of Gen. GEORGE WASHINGTON, by suitable Eulogies, Orations, and Discourses, or by Public Prayers;" and, "That the President be requested to issue a Proclamation for the purpose of carrying the foregoing Resolution into effect." Now, Therefore, I, JOHN ADAMS, President of the United States of America, do hereby Proclaim the same accordingly.

Given under my Hand and the Seal of the United States, at Philadelphia, the first day of January, in the year of our Lord, one thousand eight hundred, and of the Independence of the said State, the twenty-fourth.

JOHN ADAMS.

By the President,
TIMOTHY PICKERING, *Secretary of State.*

Commonwealth of Massachusetts.

In Senate, January 14, 1800.

RESOLVED, 1st, That an Oration on the *Splendid Virtues of Gen. GEORGE WASHINGTON* be delivered before the *Lieutenant-Governor, the Council, and the two Branches of the General Court*, in the Old-South-Meeting-House, in *Boston*, [with consent of the Proprietors thereof] by such Person, and at such time, as His Honor the *Lieutenant-Governor, the President of the Senate* and the *Speaker of the House of Representatives* shall appoint for that purpose; and that the *Chaplain of the General Court* be requested to introduce the Exercises with Prayer to the Throne of Grace.

2^d, That the *Lieutenant-Governor, the Council, and the two Branches of the General Court*, will, in compliance with the Recommendation of Congress, in their Resolve of the 25th of December last, "testify our Grief for the Death of General GEORGE WASHINGTON," by uniting in Public Solemn Worship of the Deity in the Church in Brattle-Street in *Boston*, [with consent of the Proprietors] on *Saturday the twenty-fourth day of February next*, at eleven of the Clock in the Forenoon, (if the General Court shall then be in Session) and will then bow in humble Adoration and Prayer before the Supreme Disposer of all Events, and to attend upon a Discourse to be adapted to the occasion; that we will furnish our mutual batinefs for this purpose; and that the *Chaplain of the General Court* be requested to deliver that Discourse, and to lead in the other Religious Exercises of the Day.

AND we have confidence, that our Fellow Citizens, of all denominations, throughout the Commonwealth, will then unite in like Services, so that the whole People, with one Heart and one Voice, may, at the same time, duly express their Sentiments on this Mournful Occasion.

Sent down for Concurrence,

SAMUEL PHILLIPS, *President.*

In the House of Representatives, Jan. 14, 1800. Read and Concurred,

EDWARD H. ROBBINS, *Speaker.*

January 14, 1800. By the Lieutenant-Governor Approved,

MOSES GILL

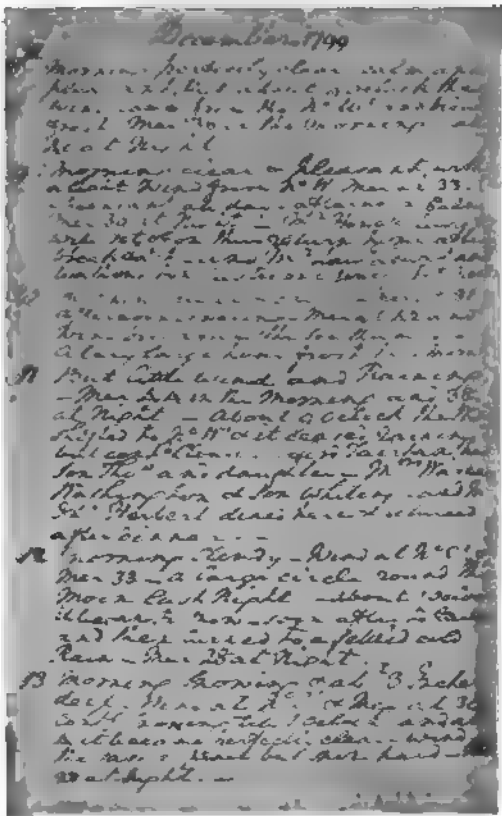
A True Copy—And

JOHN AVERY, *Secretary.*

last as long as the nation shall endure: "First in war, first in peace, and first in the hearts of his fellow citizens." A later generation epitomized Washington as "the greatest of good men, and the best of great men," but regnant above every other tribute is his nation's gratitude and love and the enduring title to which they have given birth—THE FATHER OF HIS COUNTRY.

The death of Washington was a hard blow to the Federalists. He was their best political asset and they now needed all their strength. The martial enthusiasm created by the X, Y, Z disclosures had cooled, the alien and sedition acts and the new taxes were unpopular, and the continued impressment of seamen with the consequent revival of feeling against England had lessened the desire for war with France. The report of the secretary of the treasury showed a serious diminution of revenue and a probable annual deficit of five million dollars. In congress as well as

Federalist Weakness



Page of Washington's Diary showing the last Entry, Probably the last But of Writing he did, the Day before he Died, December 13, 1799. (Notes the snow-storm which caused his death)

1800 throughout the country, the peace feeling began to run so strong that, in February, 1800, the moderate Federalists united with the Republicans in passing a law authorizing the president to suspend enlistments. In May, when the news from the commissioners was encouraging, congress passed a law for the discharge of the new army. As only three thousand three hundred and ninety-nine men had been enlisted for "Hamilton's grand police" and everything had been mismanaged, the whole affair took on an air of *opera bouffe*. The disbandment took place in June and was made an occasion of great rejoicing by the Republicans. The navy was not reduced, but the construction of new vessels was stopped.

Cabinet
Changes

May 5

The Federalists were still further weakened by a division in their party. The Hamiltonian section of the party were out of sympathy with the president; Adams, though usually right in large matters, was almost uniformly unfortunate in his management of small ones. Dimly aware of the intrigues against him, Adams resolved to reorganize his cabinet. Having heard of the defeat of the Federalists in New York, a result that practically ruined his chance for a second presidential term, as will be soon explained, he had a stormy interview with McHenry in which he accused him of having intrigued to influence Washington to place Hamilton over Knox, of eulogizing Washington at Adams's expense, with failing to appoint to a captaincy in the army the only North Carolina elector who had voted for Adams, and with having endeavored to prevent the mission to France. He then demanded and received McHenry's resignation. Pickering, who was much more culpable than McHenry, was then asked to resign; when he refused to do so, the president curtly dismissed him. On the seventh of May, Adams nominated John Marshall as secretary of war in the place of McHenry, resigned; five days later, and before Marshall's confirmation by the senate, the president nominated him as secretary of state in the place of Pickering, removed. On the thirteenth, Adams nominated Samuel Dexter of Massachusetts as secretary of

war. On the following day, congress adjourned. Wolcott, who was fully as deep in the Hamiltonian intrigues as were the others, had held his place at the head of



Autograph of Samuel Dexter

the treasury department. In November, perhaps because of some twinges of conscience and perhaps because he "had no wish to encounter one of John Adams's gales by courting a detection while he remained in office," Wolcott made known his desire to give up his cabinet position at the end of the year. On the first of January, 1801, Adams transferred Dexter to the treasury department and, a month later, named Roger Griswold of Connecticut for the cabinet position thus vacated by Dexter; before long, he appointed Wolcott to one of the new circuit-judgeships. To the end of his life, Adams never knew how treacherously Wolcott had treated him.

Recent events had not helped to heal the breaches in the Federalist party or to improve its chances for success in the coming election. Rarely has a party entered such a contest in more deplorable condition. Trying as he had found the duties of his office, Adams earnestly desired a reelection and a popular ratification of his policy. The angry Hamiltonians claimed that his pardoning of Fries and his dismissal of McHenry and Pickering were bids for popularity among the Republicans, suggested that the president was insane, and cast about for some other candidate. They had planned to get Washington to stand for another term, but he died before any overtures were made. They could find no other candidate as strong as Adams and, much as they disliked him, they were compelled to accept him. Before the adjournment of congress, the Federalist and the Republican members held party caucuses and selected candidates for the presidency and the vice-presidency. Adams and Charles Cotesworth Pinckney, brother of the Federalist candidate of four years before, were the choice of the Federalists; the Republicans united upon Jefferson and Aaron Burr.

Presidential
Candidates

1800 The Federalists seem to have had hopes built largely upon Pinckney's popularity in South Carolina. Thus



Autograph of Charles Cotesworth Pinckney

September 26 Sedgwick wrote to Rufus King that in the Federalist caucus "we had every assurance that could be given by the members from S. Carolina, that whatever might be the character of their electors, such was the popularity of General Pinckney, that all the votes of that state would be given to him." It appears that proposals looking to such a vote for Jefferson and Pinckney were made to the latter and rejected by him.

Pennsylvania
Politics

January 12

Already there were signs that showed whither the political wind was blowing. Nearly all of the state legislatures had decided to choose the presidential electors rather than to risk party advantage by leaving the election to a direct vote of the people. In Maryland and North Carolina the election was to be by districts and the probability was that in each state the results would be nearly balanced. On this subject, Jefferson wrote to Monroe that "all agree that an election by districts would be best, if it could be general; but while 10 states chuse either by their legislatures or by a general ticket, it is folly & worse than folly for the other 6. not to do it." It was also probable that the electors chosen by the Federalist legislatures in New England would be fairly balanced by those chosen by Republican legislatures in the South. In the fall of 1799, Pennsylvania was carried by the Republicans, though the state senate, which was not wholly changed at one election, remained Federalist by thirteen to eleven. Knowing that the state would be carried by the Republicans at the next election, the senate majority refused to pass any law providing for a popular choice of presidential electors and, as a result of this sharp practice, the Republicans were forced to accept a compromise whereby they were

to receive eight electoral votes and their opponents 1800 seven.

The result in Pennsylvania added to the interest with which statesmen and politicians in every quarter and of every shade looked at the campaign in New York where a new legislature, to be elected in the spring, would select twelve electors who would cast their votes solidly for Adams or for Jefferson and thus probably determine the choice of president. Hamilton and Burr directed the fight for their respective parties and Burr, the better politician, won. Rendered desperate by his defeat, Hamilton proposed to Governor John Jay that the old legislature be convoked in special session and a law passed making the choice of electors by districts. In support of the plan he urged that in endeavoring to prevent the triumph of Jacobinism, and "an atheist in religion, and a fanatic in politics, from getting possession of the helm of state," they must not be "over-scrupulous." Jay endorsed Hamilton's letter as, "Proposing a measure for party purposes which I think it would not become me to adopt."

The New
York Election

May 7

Publicly, Hamilton urged that Adams should be supported, but secretly he was busy with his old plan of taking advantage of the defect in the electoral system and bringing in Pinckney as president. It was hoped that in the Carolinas some Republican electors would vote for Jefferson and Pinckney; the Federalists were to support both Adams and Pinckney "till the electors come to vote, and then let those who think Mr. Adams unfit to be president drop him silently." Pickering supported the plan and so did Wolcott who, though still secretary of the treasury, was busily intriguing against Adams. To McHenry he wrote: "At any rate, the prospect is almost certain that the country will be freed from the greatest possible curse, a Presidential administration, which no party can trust, which is incapable of adhering to any system, in connection with which no character is safe."

A
Hamiltonian
Scheme

June 18

Hints of what was going on found their way to Adams. He and his friends began to speak of a "British faction"

Another
Scheme

1800 and to denounce a knot of ultra Massachusetts Federalists as the "Essex Junto." Hamilton, still smarting under the collapse of his plans for military glory, was rendered still more angry by these attacks upon him and his friends and decided to carry out a plan that he had formulated. As early as the fourteenth of May, he had written to Pickering: "I perceive that you as well as McHenry are quitting the administration. . . . Allow me to suggest that you ought to take with you copies of all such documents as will enable you to explain both Jefferson and Adams." Subsequently, after a trip through New England to feel the political pulse of the people, he wrote to Wolcott: "The leaders of the first class are generally right, but those of the second class are too much disposed to be wrong. It is essential to inform the most discreet of this description of the facts which denote unfitness in Mr. Adams. I have promised confidential friends a correct statement. To be able to give it, I must desire aid from you."

A
Hamiltonian
Blunder
August 1

In the same letter, Hamilton said that he thought of asking Adams if he meant to include him in the "British faction." A month later, he made such a demand, but Adams ignored the letter. On the first of October, Hamilton wrote again and again got no answer. Determined to be revenged upon his enemy, he sent to certain Federalists a carefully prepared pamphlet, printed "for private circulation only," defending the war Federalists, mercilessly exposing Adams's faults of temper, jealousy, vanity, and egotism, but winding up "with the lame and impotent conclusion of advising every one to vote for the man so much to be distrusted." Burr obtained a copy of the pamphlet and published portions of it; Hamilton was driven to acknowledge its authorship and to publish an authentic edition.

The Election
of 1800

If anything had been needed to assure the Federalist downfall, this pamphlet would have answered the purpose. When the November election returns came in, it was seen that the Republicans had scored a victory. The Federalists had won the electoral votes of the New England states,

Delaware, and New Jersey, seven from Pennsylvania, 1 7 9 0
 five from Maryland, and four from North Carolina, 1 7 9 2
 sixty-five in all. The Republicans had a total of seventy-three. Before the electoral votes were counted by congress, the seat of government had been moved from Philadelphia.

An act of 1790, already noted, had provided "That a district of territory not exceeding ten miles square, to be located as hereafter directed on the river Potomac, at some place between the mouths of the Eastern Branch and Conogocheague, be and the same is, hereby accepted for the permanent seat of the government." A commission of three, under direction of the president, was to survey and define the limits of the district, purchase land, and, prior to the first Monday of December, 1800, provide suitable public buildings, but not a cent was appropriated for the work. The selection of the exact site for the new city and the appointment of the commissioners was committed to Washington. He chose a V-shaped plain that lay between the eastern branch of the Potomac and the main stream and that was fringed by the wooded hills of Maryland. As commissioners he selected David Stuart of Virginia and Thomas Johnson and Daniel Carroll of Maryland. Late in March, Washington issued a proclamation describing the territory that had been selected for the federal district. It was ten miles square, lay on both sides of the Potomac, and included Georgetown in Maryland and Alexandria in Virginia. On the fifteenth of April, the first boundary stone was set with masonic ceremonies. In 1846, so much of the district as lay south of the Potomac was given back to Virginia.

The Federal City

January 22, 1791

Landowners were induced to exchange their holdings for town lots, but not without difficulty. For instance, it is said that David Burns, a testy Scotchman whose cabin at the foot of what is Seventeenth Street southwest had not wholly decayed at the end of the city's first century, one day angrily inquired: "I suppose, Mr. Washington, you think people are going to take every grist from you as pure grain; but what would you have been

The Plan of the City of Washington



PLAN OF WASHINGTON IN 1793

if you hadn't married the rich widow Custis?" There- 1 7 9 1
 after, the first president would have nothing to do with 1 7 9 2
 "that obstinate Mr. Burns." Major Pierre Charles
 L'Enfant, a French engineer who had come to America
 with d'Estaing, was selected to plan the city. L'Enfant
 saw the importance of his task and resolved that he
 "would not plan for thirteen States and three millions
 of people, but for a mighty republic of fifty States and
 five hundred millions." He selected the sites for the
 capitol and the executive mansion and would let no one
 build until street lines were surveyed and accurately
 established. It was a new thing thus to build a city
 according to a previously determined plan, as men build
 their houses. He plotted the city in squares separated
 by streets running north and south or east and west, and
 with magnificent avenues running in other directions
 from the capitol and other public buildings. At a meet-
 ing of the commissioners at which Jefferson (then the
 secretary of state) and Madison were present, the district
 was named Columbia, after the great discoverer. On the
 Maryland side was to arise the "City Washington."
 Town lots were laid out and speculation became wild.
 The purchase of six thousand of the lots on Capitol Hill
 hastened the insolvency of Robert Morris, and Daniel
 Carroll was another of the many who were financially
 ruined in like manner. L'Enfant soon got into diffi-
 culties with the commissioners and others and was dis-
 missed, but through the varying fortunes of a hundred
 years, the original plan has been preserved; the result
 is ample justification of L'Enfant's brief and somewhat
 arbitrary sway.

September 8-
9, 1791

March 1,
1792

In March, 1792, "a premium of a lot in this city to be
 designated by impartial judges, and five hundred dollars,
 or a medal of that value at the option of the party" was
 offered by the commissioners for "the most approved
 plan for a Capitol." The building was to be of brick,
 but the wiser second thought led the commissioners to
 select sandstone instead. None of the plans submitted
 before the time set for the close of the competition was

The Capitol
and the
White House

July 15

1792 satisfactory and the commissioners encouraged Stephen
 1800 L. Hallet, a French architect residing in New York, to
 prepare a plan. Before he completed his design, William
 Thornton, then in the service of the government as clerk
 of patents, sent in a plan that so pleased Washington,
 Jefferson, and the commissioners that he was given
 the award. As Thornton was not a trained archi-
 tect, the work of build- ing the capitol was in



East Elevation of the United States Capitol

the hands of Hallet as assistant superintendent and draftsman until the fifteenth of November, 1794, when he was dismissed for changing the plans without authority. The commissioners also offered a prize for the best plan for a "President's House;" the award was made to James Hoban, an Irish architect living in Charleston. Hoban modeled his plan after the seat of the duke of Leinster at Dublin. Foreign sculptors and artisans were imported and work on both buildings was pushed as rapidly as the scanty supply of money would allow. Virginia voted one hundred and twenty thousand dollars, Maryland seventy-two thousand, some money was secured from the sale of lots and some from lotteries, and a considerable sum was borrowed. The corner-stone of the president's house was laid in October, 1792, that of the capitol was laid by Washington himself, with masonic ceremonies and in the presence of military companies and civic societies and a vast assembly of spectators, on the eighteenth of September, 1793.

Moving the
 National
 Capital

When the time set for moving the seat of government arrived, only the north wing of the capitol was ready for occupancy and, at the president's house, the plastering was damp and some of the commonest conveniences were wanting, but the removal from Philadelphia was effected

nevertheless. The government records, furniture, cabinet officers and minor officials arrived in June. Soon after the removal of the archives, a fire destroyed all the military records and another fire broke out in the treasury department. The opposition newspapers charged that the fires were kindled to destroy the evidence of some maladministration. President Adams visited the new city in June, spent the summer at Quincy as usual, and took up his residence in what the satirists of the day called the "President's Palace" in November. The "city" had the population of a village and was a chaos of building materials, unfinished houses, brick kilns, temporary huts, and wet "slashes" covered with scrub-oaks and alders. As there was but one good tavern, lodgings were difficult to obtain and many members of congress sought quarters at Georgetown where there was a famous inn known as Suter's Tavern. The people were poor and, Oliver Wolcott wrote to his wife that "as far as I can judge, they live like fishes, eating each other." Pennsylvania Avenue was, wrote a Connecticut congressman, "nearly the whole distance a deep morass covered with alder bushes, which were cut through the width of the intended avenue during the ensuing winter." After the comforts of Philadelphia, life in the new capital was far from satisfactory, and "Wilderness City," "City of Streets without Houses," "A Mud-hole almost equal to the Great Serbonian Bog," "Capital of Miserable Huts," and "City of Magnificent Distances," were some of the epithets bestowed upon it by luxury-loving statesmen and their friends.

July 14

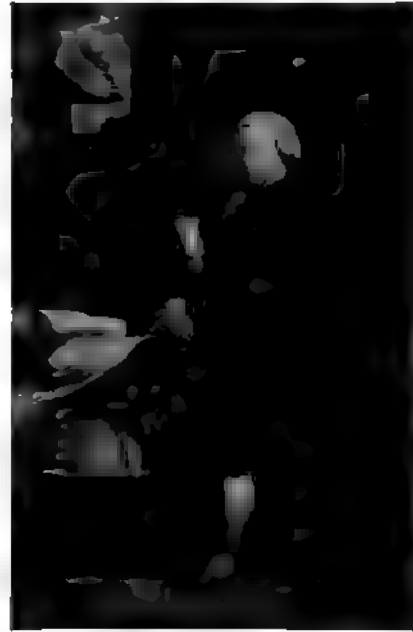
In 1764, John Adams had married Abigail Smith who was endowed with rare qualities of head and heart and was of a social position higher than his own; one of what Holmes has called the Brahmin caste of the old New England theocracy. In accordance with a stately and stilted habit of that period, many of her letters to her husband were signed "Portia" and she was worthy of the name, Roman or Shakesperian. Five days after the battle of Lexington, she wrote: "Courage we have;

Abigail
Adams

1800 conduct we shall not want; but powder, where shall we get a sufficient supply?" Of the battle of Bunker Hill she wrote that it was "dreadful but glorious." At the court of Saint James, she met the contemptuous demeanor

of Queen Charlotte with at least an equal dignity. When her husband was chosen president, she wrote to him: "My feelings are not those of pride or ostentation; they are solemnized by a sense of the obligations, the important truths, and numerous duties connected with it."

In November, Mrs. Adams left her Massachusetts home to become "the first lady of the White House," a memorable journey by post-chaise, stage-coach, and private equipage, with break-downs on the highways and long waits for relays. The party lost



At the
White House

John Adams

the way through the thick woods not far from Baltimore and, when it was regained with the help of a straggling negro, went on and on through forests; "you can travel for miles without meeting a human being," writes Mrs. Adams. Thus the party slowly advanced to the city of Washington and, along "the mud-rucked" avenue to the president's house. No lawn, no fence, no yard, no approach, the principal staircase not up nor a single apartment finished; no bells, no lights, no grates. All the available wood had been used to dry out the newly plastered walls and the mistress of the house sits shivering as she writes: "Surrounded by forests, can you

believe that wood is not to be had because people cannot 1800
be found to cut and to cart it! . . . You must keep
all this to yourself and, when asked how I like it, say that
I write you the situation is beautiful—which is the
truth." Moreover,
in the unfinished
East Room, Abi-
gail Adams had a
magnificent place
in which to hang
her clothes.

Under such de-
pressing con-
ditions, the second
session of the sixth
congress was be-
gun at the perma-
nent capital on the
seventeenth of
November, 1800.
Davie had re-
turned from
France with the



Abigail Adams

Congress
Meets in the
Capitol

treaty of peace as agreed upon at Paris, and it became
the first theme of importance for the consideration of the
senate with the results recorded in a previous chapter.
Wolcott's treasury report showed an improvement in the
national finances, the customs receipts having increased
about two and a half million dollars over those of the
preceding fiscal year. At the end of the year, as already
recorded, Wolcott left the cabinet, the dropping off of
another fragment of Washington's "legacy of secretaries."
Chief-justice Ellsworth having gone abroad on the French
mission, concluded to stay in Europe and resigned his
office. Adams tendered to John Jay a reappointment to
the chief-justiceship, but Jay had determined to retire
from public life and Adams gave the appointment to his
new secretary of state, John Marshall, "the first of federal
chief-justices who grew and mellowed in the office." For

January 31,
1801

I 8 0 0 what little was left of the Adams administration, Mar-
I 8 0 1 shall continued to perform the duties of secretary of state.

An Electoral
Tangle

February 11,
1801

The defect in the electoral machinery was now fully revealed. When the electoral colleges met on the first Wednesday in December, 1800, all the Republican electors voted for Jefferson and Burr; when the votes were counted in congress, it appeared that Jefferson and Burr had seventy-three votes each; Adams, sixty-five, and Pinckney, sixty-four; Jay had received one vote in Rhode Island. The eight votes of South Carolina had been cast for Jefferson and Burr; had they been cast for Jefferson and Pinckney as promised, the former would have been elected president and the latter vice-president. The intention of the Republican caucus and the Republican electors that Jefferson should be president and Burr vice-president counted for nothing; as the presiding officer, Jefferson had to announce a tie vote between himself and Burr; under the constitution, the choice was thrown into the house of representatives there to be decided by a vote of states. The Republican electors had been too "solid" for the immediate interests of their party. The Federalists controlled a majority of the members of the house and half of the state delegations, so that into their hands was thrown the decision as to who should be the next president—with the limitation that their choice was confined to two Republicans.

Burr's
Aspiration

The only honorable course open to Burr was to refuse to allow his name to be considered in connection with the presidency. But he had hopes that the electoral vote might give him a majority over his chief and appears to have intrigued to induce a New York elector not to vote for Jefferson. Now he protested against the sacrifice of his colleague—an empty protest that no one believed to be sincere. In reality, he was eager for the presidency and his friends gave out privately that he would accept the office.

In the House

The Federalists were in a quandary. They held a party caucus and, disregarding the fact that Jefferson was unquestionably the choice of the people, decided to

subordinate the atheistic "semi-maniac" by supporting Burr. Thus they would sow the seeds of rank dissension among the Republicans and impose the bonds of gratitude upon a president that they alone had made. When the first ballot was taken in the house, six states, New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, and South Carolina voted for Burr; Vermont and Maryland were divided; the remaining eight states voted for Jefferson who lacked one vote of the required nine. Five other ballots were taken with the same result. The house then ordered that no other business should be transacted and no adjournment made until an election was accomplished. When the nineteenth ballot was taken at midnight, the scene was serio-comic. "Many had sent home for night-caps and pillows, and, wrapped in shawls and great-coats, lay about the floor of the committee-rooms, or sat sleeping on their seats. At one, and two, and at half-past two, the tellers roused the members from their slumbers and took the same ballot as before. The sleepers were then suffered to rest until four in the morning." In all, nine votes were taken on the twelfth, one on the thirteenth, four on the fourteenth, one on the sixteenth, one on the seventeenth, making thirty-five votes without result.

February 11

The situation was full of excitement and, when the third angle of the Federalist opportunity was presented, it became perilous. The Federalists might keep the house balloting without choice until the fourth of March. Might not such an emergency, for which the constitution made no provision, be met by an act of congress creating the office of president pro tempore and then filling the supposititious office with Marshall or some other member of their own party? Bayard of Delaware said that some of the New England members were so determined to rule or ruin that "they meant to go without a constitution and take the risk of civil war." But Jefferson's friends gave out that the day such an act was passed, the middle states would arm; they would not submit to such usurpation. Against such a scheme they planned to surround the

A
Revolutionary
Scheme

I 8 0 0 federal city with militia until Jefferson and Burr could
 I 8 0 I call a constitutional convention to find some way out of
 the dismal swamp. Governor Monroe of Virginia held
 himself ready for immediate action to such an end and
 Randolph of Roanoke later asked: "Had we not the
 promise of Darke's brigade and of the arms at Harper's
 Ferry which he engaged to secure?" The plan had met
 with the favor of only a few extremists and was dropped.

The Attitude
 of Hamilton

Hamilton disliked Jefferson, but he hated and feared
 Aaron Burr. He knew that Jefferson had been the
 choice of the country and that he would administer the
 affairs of the country with ability; he could foresee only
 disaster if Burr was elected. In August, he had written
 of Burr as one who, if given the opportunity, would
 "certainly attempt to reform the government *a la Bonaparte*." In December, he wrote that Jefferson was "by
 far not so dangerous a man; and he has pretensions to
 character;" and described Burr as one without private
 character, a bankrupt, supremely selfish and ambitious,
 and "truly the Catiline of America." Later in the month,

December 27,
 1800

he wrote to James A. Bayard, member of the house from
 Delaware, deploring the possibility that the Federalists
 might support Burr and urging in anxious terms that
 they should vote for Jefferson. Later, he wrote that he
 could not remain a member of the Federalist party if it
 supported Burr. He wrote in similar strain to Sedgwick,
 Rutledge, Marshall, and perhaps others.

January 16,
 1801

Jefferson is
 Elected

How much influence Hamilton's advice had upon the
 course of events is not known. The Federalists held a
 caucus at which, though most of the New England mem-
 bers stood out for Burr, enough representatives to end
 the contest decided not to vote at all. Morris of Vermont
 withdrew and thus enabled Lyon to cast the vote of the
 state for Jefferson. The four Maryland Federalists voted
 blanks and thus gave that state to Jefferson. Bayard of
 Delaware and the members from South Carolina also
 voted blanks. On the thirty-sixth and final ballot, four
 states voted for Burr and ten for Jefferson and the agony of
 long suspense was ended; Jefferson was declared elected.

February 17,
 1801

As soon as the Republican victory was assured, the Federalists sought to save what they could from the wreck. An effort on their part to extend the sedition law, which was about to expire by its own limitation, was voted down in the house, a result that was due to the advent of new members in the latter part of the session. A bill to reorganize the federal judiciary passed both houses and was signed by the president. Prior to this time, there had been seventeen district courts, each presided over by a district judge; of the seventeen districts, fourteen had been grouped into three circuits in which courts were held, originally by two justices of the supreme court and, after 1793, by one such justice and the judge of the district in which the court sat. Almost immediately after the passage of the act of 1789, the members of the supreme court had protested against the requirement that they should serve as circuit judges and, as early as 1790, the attorney-general had reported adversely upon the practice. Even after the relief granted in 1793, there were frequent complaints and, upon the opening of the first session of the sixth congress in 1799, the president had insisted that a revision and amendment were "indispensably necessary." The bill that was reported by a committee of the house, before the defeat of the Federalists in the presidential election of 1800, became the foundation of the act of 1801. This act divided four of the old districts and created a new one from the territories of Ohio and Indiana, thus increasing the number of districts to twenty-two but not increasing the number of district judges. The new act classed the twenty-two districts into six circuits instead of three. Instead of detailing supreme court justices to hold circuit courts, it was provided that circuit judges should be appointed for the purpose, three for each of five of the circuits and one for the sixth, a total of sixteen new circuit judges. Of course, attorneys, marshals, and clerks were provided for all the new courts, district as well as circuit; the total increased annual cost probably did not exceed fifty thousand dollars. On the other hand, the

1801
The Judiciary
Act of 1801

February 13

1801 number of associate justices of the supreme court was to be reduced from five to four at the first vacancy, doubtless in order to keep the court Federalist as long as possible. Few legislative acts have been more generally misunderstood than this enlargement of the federal judiciary. The charge that it was made for the sole purpose of maintaining Federalist control of that branch of the government would not have been pressed so persistently if the bill had not been rushed through congress in the last month of Adams's term of office, and if it had not

been for the "midnight appointments," the story of which will soon be told. There can be no doubt that the Federalists did desire thus to entrench themselves and that the number of new offices created was beyond the necessities of the case, but it is not true that the enlargement was without warrant in the needs of the country.

Although the circuit court act became a law not much more than a



A Game of
Grab

Portrait of John Marshall by Saint Memin
(Copyright, 1901, by Thomas Marshall Smith, Published
by C. Klackner, New York)

fortnight before the end of his term, Adams filled all the new judgeships (one of them going to the late secretary of the treasury) and as many other executive vacancies as possible. Numerous nominations were sent to the senate on the second of March and they were confirmed in the closing hours of the session. It is said that at midnight

of the third of March, when Adams's tenure legally ended, Levi Lincoln of Massachusetts, whom Jefferson had selected as his attorney-general, entered the office of the secretary of state with Jefferson's watch in his hand and stopped John Marshall in the act of countersigning commissions for men through whom another administration was to act. Marshall cast a rueful look upon the unsigned commissions spread upon the table and left his midnight visitor in possession. Relating the scene in after years, he used to say, laughing, that he had been allowed to pick up nothing but his hat.

Adams had not as large a personal following as Washington had; he was respected for his abilities and services, but he was not "magnetic" or even generally liked; office-seeking had not been reduced to a science with fixed rules; and the personality of the president had a greater effect in regulating the number and tone of the applications for office then than it has now; there had been no change of the party in power and therefore no great temptation to make a "clean sweep;" and there were comparatively few offices for distribution. Consequently, there were fewer applications of this kind in Adams's four years than there had been in any four years of Washington's administration. On the other hand, Adams's characteristics made it difficult and generally impossible for him to couple conciliation with refusal. Many of those who had wanted offices had appealed to Washington "with a filial feeling that they had a right to do so, and in most cases they accepted in a filial spirit the refusal he gave them;" to Adams they came without any pretense of personal attachment and refusal left bitterness and animosity. Under the first president, the political opinions of applicants for office were not often urged or considered, but Adams was a strong party man, political warfare had become bitter and fierce, and many of the applications for positions reflected the prevailing intemperance of political temper. In diplomatic and military appointments, politics was largely ignored, but in probably a majority of the domestic, civil cases of this

Office-seeking
under John
Adams

1 8 0 1 kind, the political affiliations of the candidates were brought out. The members of the cabinet were allowed a large measure of independent action in their respective departments and, as most of the civil appointments made during this term were to customs offices, many of the applications were addressed to the secretary of the treasury. A few removals from office were made on account of offensive, political opposition to the administration, but, as a general thing, other causes entered into the case. The most important of Adams's removals for purely political reasons was that of Tench Coxe, the commissioner of revenue, who was dismissed late in December, 1797. While Adams had a decided inclination to prefer Federalists for federal appointments and dismissed a few like Coxe for political misconduct, the doctrine that mere efficient party work should be rewarded by office does not appear to have been prevalent.

Prosperity
and Promise

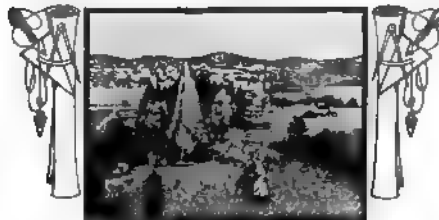
The second census had just been taken and it showed that the population was nearly double what it was at the beginning of the Revolution. The stability of the government inspired confidence and its revenues were abundant for its current expenses. Industrial interests were finding strength, commerce evinced an unprecedented activity and was pressing on to higher triumphs. The prospect of a general European peace promised that American ships would be freed from illegal seizure under pretense that they carried cargoes contraband of war and did its share in giving a bright hue to the future. As sorry a failure as it had been in a personal or partisan sense, Adams's administration was a success when looked at with regard to the interests of the nation. From its predecessor it received a serious and threatening foreign complication that was peacefully and honorably adjusted. To its successor it left the glory of the harvest. It bridged, "as it were, a fierce torrent that peace might cross over dry-shod."

A
Regrettable
Incident

Adams did not disappear from the stage without giving another evidence of the occasional pettiness of mind that has done much to obscure his many great and admirable

qualities. During the winter, he had received but little 1801
attention from friend or foe, and his "stupendous personal vanity" had been wounded by his failure to secure a reelection. In a "silly and puerile fit of rage," for which we may accept Lincoln's midnight call as partial mitigation, he got up before daybreak of the fourth of March, petulantly shook the dust of the capital from his feet, entered his carriage, and by the time the citizens of Washington were astir was miles away, instead of waiting to play his part in the inauguration of his successor. The incident comes far short of the stature of the man.

Thus fell from power the Federalist party, partly *In Memoriam*
because of dissensions within its ranks, but mainly because it had outlived its usefulness. In giving strength and vitality to the new government it had done a great work, a work that still survives; even as it fell it gave the nation a great chief-justice. In his long tenure of his high office, John Marshall firmly fixed in judicial procedure the Federalist ideas of constitutional interpretation and made the nation "a Republican government of Federalist principles."





C H A P T E R X V

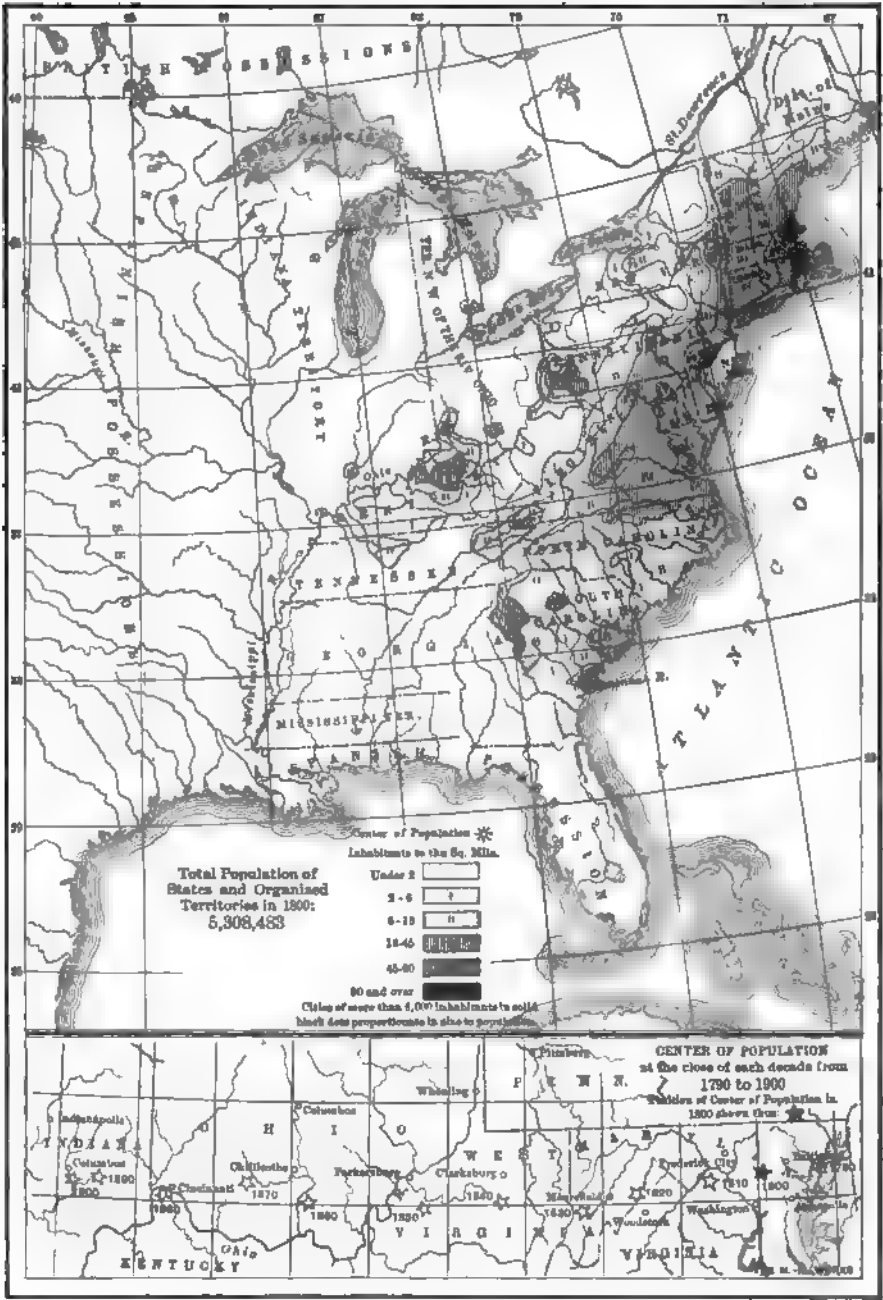
ON THE THRESHOLD OF A NEW CENTURY

Population

IN these years of Federalist rule, the population had reached a total of 5,308,483, an increase of 1,379,269 or more than thirty-five per cent. in ten years. The center of population had shifted from a little east of Baltimore to eighteen miles southwest of that city. The average density of population was less than five persons to the square mile. The total slave population was 896,849. Virginia was still first in population, with 880,200; Pennsylvania was still second, with 602,365; but New York, with 589,051, had taken third place from North Carolina.

Cities

The urban population had increased to four per cent. but there were still only six cities of eight thousand or more. The total population of the six was only 210,873, about equal to that of Jersey City or Louisville in 1900. Philadelphia, with seventy thousand, was still the metropolis, and, wrote the duc de Liancourt, "not only the finest city in the United States, . . . but one of the most beautiful cities of the world." New York City had grown in ten years from thirty-two thousand to sixty thousand. The Battery was still a fashionable walk, John Jacob Astor was a fur merchant living where the Astor House later stood, and Cornelius Vanderbilt, a boy of six, was playing about his father's ferry-boat at Staten Island. Boston had a population of twenty-five thousand and had lost much of its former relative importance. Baltimore had doubled its population in ten years and



MAP SHOWING DISTRIBUTION AND CENTER OF POPULATION IN 1800
(Based upon the Fifth Census of the United States)

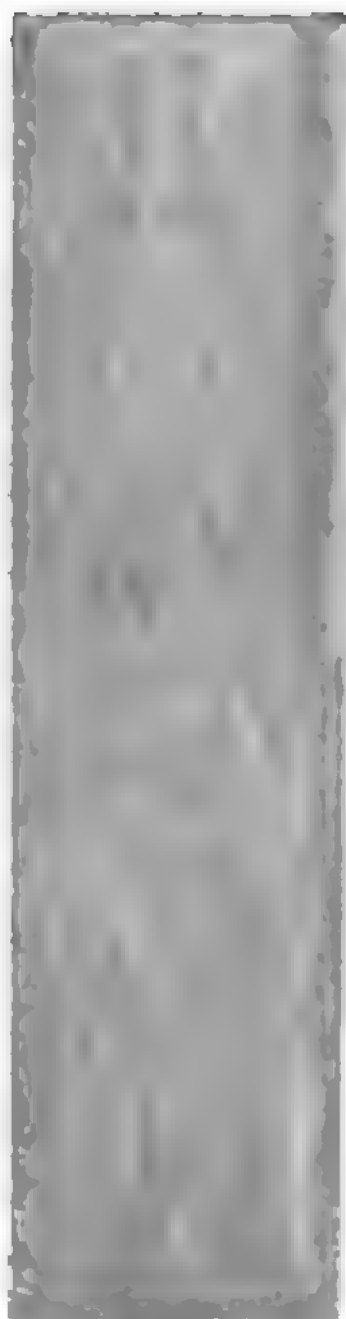
1800 now had more inhabitants and a larger trade than Boston. Charleston had fifteen thousand inhabitants, but Richmond, the largest town in Virginia, had fewer than four thousand. The growth of all the cities was seriously interfered with by destructive fires against which there was inadequate protection although fire-buckets were common and crude fire-engines, worked by hand, had come into use. Fire-insurance had been provided at Philadelphia in 1752, but, at New York, the oldest fire-insurance company had been in existence only a dozen years.

The New
West

Nowhere else had population advanced as rapidly as in the West; during the decade, that of Tennessee and Kentucky had nearly doubled. The total population west of the mountains was between four and five hundred thousand. The greater part of the tremendous increase was due to immigration, although every boy was regarded as a future bulwark against danger and "Here's to the bride, thumping luck, and big children," was a common wedding toast and not deemed indelicate. There were rough wagon roads across the Alleghenies, one leading from Philadelphia to Pittsburg, another following the line of the old Braddock road from the Potomac to the Monongahela, while, further south, a third passed from Virginia southwestward to the Holston River and Knoxville, with a branch following the Wilderness road through Cumberland Gap into Kentucky. About Pittsburg and along the upper Ohio and its branches, there were seventy or eighty thousand persons of whom about fifteen thousand were in and around Cincinnati. There were settlements at Marietta, Chillicothe, and elsewhere in southern Ohio.

The
Connecticut
Western
Reserve

When, in 1786, Connecticut ceded her western lands to the general government, she reserved for herself a tract supposed to be equal to the tract that she had been forced to give up to Pennsylvania in 1782. This "Western Reserve" extended northward from the forty-first parallel to the international line and westward one hundred and twenty miles from the Pennsylvania boundary. In 1792, Connecticut granted half a million acres at the



22

THE HISTORY OF THE CITY OF LONDON, FROM THE FIRST SETTLEMENT TO THE PRESENT TIME.

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western end of the Reserve to compensate her citizens for losses occasioned by British incursions into the state in the Revolution—the “Sufferers’ Lands” of Connecticut history; the “Fire Lands” of Ohio history. In 1795, the state quitclaimed the remainder of the lands of the Reserve, without survey or measurement and on credit, to a land syndicate later known as the Connecticut land company, for twelve hundred thousand dollars. The proceeds of the sale were set aside as a perpetual fund, the interest of which should be appropriated for the support of schools. The Connecticut school fund of today, amounting to more than two million dollars, consists wholly of the money paid for these lands; the dividends thereon paid for school purposes since 1797 aggregated more than eleven million dollars in 1909. In the spring of 1796, the syndicate sent out surveyors under Moses Cleaveland as agent in charge. On the twenty-second of July, the party was at the mouth of the Cuyahoga in “New Connecticut” where they laid out a town to which the agent gave his name—a town that he prophesied would have, in time, as many inhabitants as Windham (now Willimantic). Connecticut had sold the soil, but trouble soon arose concerning the jurisdiction. In 1797, the Connecticut assembly authorized its senators in congress to execute a deed releasing to the United States the jurisdiction of the Reserve, but there were objections and delay at Philadelphia. In February, 1800, the house of representatives created a committee, of which John Marshall was chairman, to consider the expediency of accepting the offer of Connecticut. On the report of this committee, an act was passed accepting the jurisdiction and confirming the titles of syndicate and purchasers “to the soil of said tract of land.” The bill passed both houses of congress and was signed by President Adams on the twenty-eighth of April, 1800.

The treaty of 1783 made the thirty-first parallel of north latitude the southern boundary of the United States. When West Florida was given to Spain, that power claimed that it extended to the parallel of thirty-two

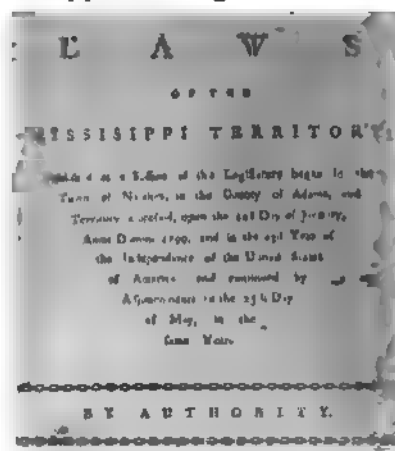
Territorial
Changes



MAP OF THE UNITED STATES, 1800-1802, SHOWING TERRITORIAL ADJUSTMENTS PRIOR TO THE LOUISIANA PURCHASE

degrees and twenty-eight minutes, the latitude of the mouth of the Yazoo, but the special treaty of 1795 established the thirty-first parallel as the dividing line. In 1798, the section between these two parallels from the Chattahoochee to the Mississippi was organized as the Mississippi Territory to be governed like the Territory Northwest of the Ohio with the single exception that there was no prohibition of slavery. Winthrop Sargent, late secretary of the Northwest Territory, was appointed governor. On the fifth of May, 1799, the substitution of American for Spanish rule in the territory was marked by the surrender of the post at Saint Stephens, in what is Washington County, Alabama, and, a year later, an act of congress gave the territory an assembly and a delegate in congress. The population of the territory at that time was about ten thousand. In the same year, the Northwest Territory was divided preparatory to the admission of Ohio as a state. The smaller part, including what is now Ohio and the eastern part of Michigan, retained the old name; the western portion was called Indiana Territory. Chillicothe and Vincennes were named as the respective capitals.

For a time, public lands in the Northwest were sold only at Philadelphia. This made it almost impossible for individual settlers to deal directly with the government and put them at the mercy of land speculators. In 1796, Albert Gallatin had secured the passage of a law



WATCHEE.
PRINTED BY A. HANSEN,
And Sold at the Store of M. B. BENTLEY & Co.
1799.
Title-page of *The Laws of the Mississippi Territory*

May 10

May 7

The Sale of
Public Lands

that established offices at Pittsburg and Cincinnati. The act also defined the township system and authorized the sale of land in sections of six hundred and forty acres, the price to be not less than two dollars per acre. One-twentieth of the purchase price was to be paid down and a moiety (including the one-twentieth) within thirty days; the remainder within a year. A new act established offices at Chillicothe, Marietta, and Steubenville, provided for the sale of half-sections, and extended the time allowed for payment to four years.

Methods of communication had improved but little. "The same bad roads and difficult rivers, connecting the same small towns, stretched into the same forests in 1800 as when the armies of Braddock and Amherst pierced the western and northern wilderness, except that these roads extended a few miles farther from the seacoast. Nature was rather man's master than his servant, and the five million Americans struggling with the untamed continent seemed hardly more competent to their task than the beavers and buffalo which had for countless generations made bridges and roads of their own." Even along the seaboard, travel was slow and irregular. Between New York and Albany, there was no regular packet-boat; between New York and Boston, there was a tolerable road along which thrice a week light stage-coaches passed. Every week-day, a stage-coach set out from New York for Philadelphia; the journey took two days. The average speed of coach between Bangor and Baltimore was only four miles an hour. South of Petersburg, the mails were carried on horseback and the stage-coach that ran between Charleston and Savannah appears to have been the only public conveyance in the three southern states. "Of eight rivers between here and Washington," wrote Jefferson from Monticello in 1801, "five have

6	5	4	3	2	1
7	8	9	10	11	12
13	17	16	15	14	13
19	20	21	23	23	24
30	29	28	27	26	25
31	32	33	34	35	36

May 10

A Township with Sections Numbered according to Present System (For method of numbering previous to 1796, see vol. 6, p. 404, and map of Seven Ranges at page 406)

Highways and Transportation

To raise the Sum of FOUR THOUSAND POUNDS, agreeably to an Act of the Legislature of the State of New-Jersey, passed the 24th November, 1790, for the purpose of laying out and improving the ROADS and CAUSEWAYS between the Town of Newark, in the County of Essex, and Pauls-Hook Ferry, in the County of Bergen, in said State.

The Drawing of this Lottery will be made by the constant business of at least Two of the Commissioners, appointed by the Legislature of the State of New Jersey, to contract by the auction of the Bridges over the Hackensack and Passaic Rivers.

FIRST CLASS.		SECOND CLASS.		THIRD CLASS.	
Prize of \$500 Dollars	500	Prize of \$500 Dollars	500	Prize of \$500 Dollars	500
500	500	500	500	500	500
1000	1000	1000	1000	1000	1000
2000	2000	2000	2000	2000	2000
3000	3000	3000	3000	3000	3000
4000	4000	4000	4000	4000	4000
5000	5000	5000	5000	5000	5000
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7000	7000	7000	7000	7000	7000
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48000	48000	48000	48000	48000	48000
49000	49000	49000	49000	49000	49000
50000	50000	50000	50000	50000	50000

The object of this Treaty is, of their common duty to the United States in general, and the State of New York, New Jersey, and Pennsylvania, in particular, that it cannot be doubted but the undertaking will meet with the most liberal support, every Traveller will experience the happiness of enjoying regular conduct on Roads, leading to and from well-constructed bridges.

TICKETS are to be held by the Subscribers who are duly appointed Managers. Every Lottery, by the Commissioners. The Prize will be paid to the holder of the respective Managers who liquid the Fortune Numbers, immediately after Drawing the several Cash—Prizes to a Degree of Eleven per Cent.

NEW JERSEY, March 3, 1991.

JOHN N. CUMMING, } NEWARK.
ESSE BALDWIN, }
JOHN D. ALVEY, NEW-BR. SVIC.

ELIZABETH TOLSON S. J. J. P. SHEPARD KOLLOCK.

BROADSIDE ANNOUNCING A LOTTERY IN NEW JERSEY

neither bridges nor boats." From Baltimore to Philadelphia the fare was six dollars; the charges at the inns were two dollars and a quarter a day. Turnpikes had been built or begun in some localities, notably in Pennsylvania, but such innovations progressed slowly. In Rhode Island, for example, the legislature refused to appropriate money for the completion of a road, the principal objection of one member being "that turnpikes and the establishment of religious worship had their origin in Great Britain, the government of which was a monarchy and the inhabitants slaves; that the people of Massachusetts and Connecticut were obliged by law to support ministers and pay the fare of turnpikes, and were therefore slaves also; that if they chose to be slaves they undoubtedly had a right to their choice, but that free-born Rhode Islanders ought never to submit to be priest-ridden, nor to pay for the privilege of travelling on the highway." There were twenty thousand miles of so-called post-roads and nine hundred post-offices, but it required twenty days to carry a letter from Maine to Georgia and the gross receipts of the postal department for the fiscal year ending the first of October, 1801, were only three hundred and twenty thousand dollars. The average adult mailed only about one letter a year.

Late in 1784, according to his own account, James Rumsey, a native of Maryland who had invented a device for propelling boats

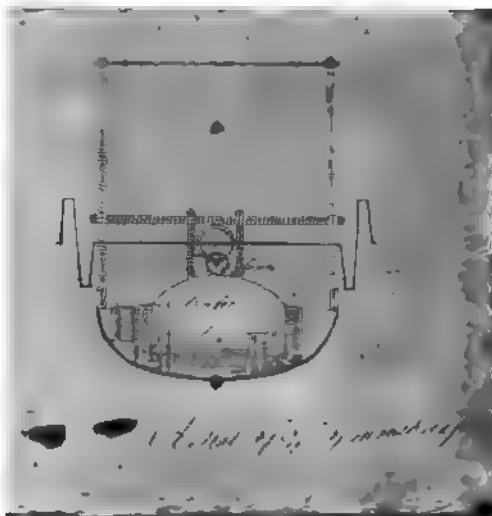


Diagram of Fitch's Steamboat
(Sectional view showing boiler, cylinder, etc.)

The
Steamboat
Idea

1800 up-stream by applying the force of the current, turned his attention to the construction of a steamboat. In December, 1787, he succeeded in operating such a boat



Model of Fitch's First Steamboat

upon the Potomac at the rate of three miles an hour against the current; its engine forced water through a funnel that

1793

lay along the keel, the reaction of the discharge giving motion to the boat. Subsequently, Rumsey went to England and there built a larger boat; he died suddenly before his invention had been thoroughly tested. Meanwhile, John Fitch had begun his better-known experiments. Fitch was a native of Connecticut who had been a clock-maker, a silversmith, a soldier in the Revolution, and a Kentucky pioneer. He first conceived the idea of steam navigation in April, 1785, and, in that year, built a model with "brass machinery and circular wheels."



Model of Fitch's Steamboat with Paddles for Propelling

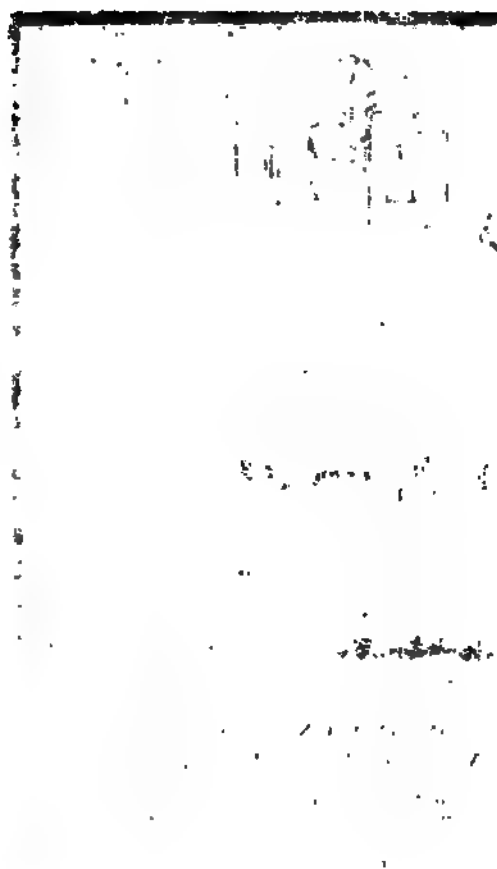
December, 1786

Subsequently, he gave up the idea of using wheels as propellers and, in a description that he published in the *Columbian Magazine*, he proposed to use oars or paddles. In May, 1787, his boat, the "Perseverance," attained a speed of three miles an hour on the Delaware. A year later, he had made such improvements that he was able to carry more than thirty passengers from Philadelphia to

October 12, 1788



111



The American Medical Association is a non-profit corporation organized for the purpose of promoting the science and art of medicine and the health of the people. It is composed of all the duly qualified and duly licensed physicians and surgeons of the United States who are members of the American Medical Association. The Association is organized into a national body and into local bodies known as chapters. The national body is composed of all the duly qualified and duly licensed physicians and surgeons of the United States who are members of the American Medical Association. The local bodies are composed of all the duly qualified and duly licensed physicians and surgeons of the United States who are members of the American Medical Association. The Association is organized into a national body and into local bodies known as chapters. The national body is composed of all the duly qualified and duly licensed physicians and surgeons of the United States who are members of the American Medical Association. The local bodies are composed of all the duly qualified and duly licensed physicians and surgeons of the United States who are members of the American Medical Association.

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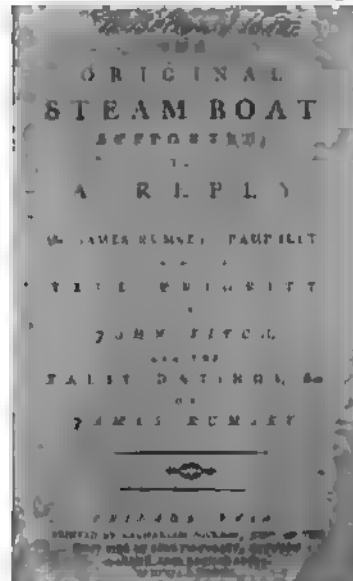
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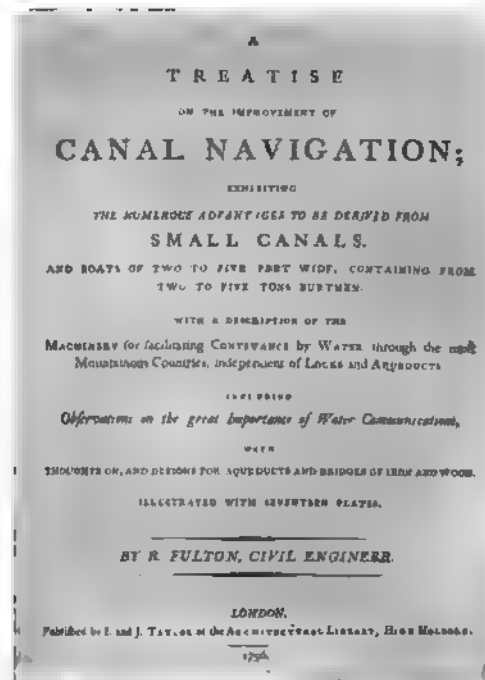
Burlington, twenty miles, in three hours and ten minutes. 1800
He received exclusive rights of steam navigation from



Title-page of Pamphlet published in Defense of Fitch's Claims

little purpose. In 1796, according to what seems to be a reliable account, he experimented on the Collect Pond at New York with a boat that had a screw propeller; the boat was seen by Chancellor Livingston and Robert Fulton. Fitch then went West and, in 1798, died in a Kentucky tavern—according to some accounts, a suicide. In his *Journal* he had written: "The day will come when some more powerful man will get fame and riches from MY invention;

Pennsylvania, New Jersey, New York, and other states and, in 1790, successfully applied for a patent from the federal government. Fitch became involved in a bitter controversy with Rumsey, popular skepticism and his peculiarities of temperament made it difficult for him to obtain funds, and his engines were defective. In 1792, he went to France and later crossed to England, but to



Title-page of Fulton's Treatise on Canal Navigation

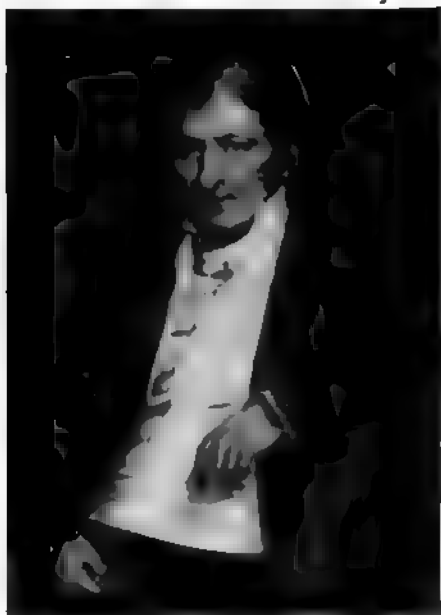
1800 but nobody will believe that poor John Fitch can do anything worthy of attention."

The
American
Farmer

The United States was still a nation of farmers and their methods and the life they led had improved but little. In the inland regions, the log cabin was the prevailing architectural type while, even in the older sections of the country, the houses were built with little attempt at beauty. "The plough was rude and clumsy; the sickle as old as Tubal Cain, and even the cradle was not in general use; the flail was unchanged since the Aryan exodus; in Virginia, grain was still commonly trodden out by horses." Little attention was paid to rotation of crops or to fertilization, and the care given stock was imperfect and even cruel. Here and there, however, were a few who were ready and willing to introduce

improvements. Prominent among these were Washington who was a careful student of books on agriculture, and Jefferson to whom belongs the honor of inventing the mould-board plow. For this invention, Jefferson was voted a gold medal by a French society and given many premiums and medals in America.

One of Jefferson's last official acts as secretary of state was to approve the application of Eli Whitney for



Eli Whitney

a patent on a cotton-gin. Whitney was a native of Massachusetts and a graduate of Yale who had gone South to teach school; up to that time, he had never seen raw cotton or cottonseed. While at the plantation owned

The
Cotton-gin

by the widow of General Greene near Savannah, he heard 1 8 0 0 much about the difficulty of separating the seed from the lint, became interested in the subject, gave up teaching, and devoted himself to the invention of a machine that would do the work. At that time, a slave could clean from one to five pounds per day, not more, whether the cotton was of the long or the short-staple variety. The East Indian roller-mill had been introduced in some places for cleaning black-seed cotton, but it performed its task slowly and imperfectly. Whitney's new machine, when operated by horse-power, could gin three hundred pounds a day and subsequent improvements increased the output. Up to this time, the South had produced mainly indigo, rice, tar, and tobacco. Even under the stimulus of a protective duty of three cents a pound, the total crop of cotton in 1791 had been only nine thousand bales. With the introduction of Whitney's gin, cotton culture increased enormously and, in 1800, seventy-nine thousand bales were exported, this being less than half the total product. Slavery became more profitable, the shackles were tightened on the negro, and it was soon proclaimed that "Cotton is king."



Model of Whitney's First Cotton-gin

By this time, the industrial revolution that was to produce greater changes in the lives of men and the conditions of labor than any political revolution that the world has known was well under way in England. James Watt had developed the rudimentary steam-engine, hitherto of little use except for pumping water, until it was available for general purposes, and Hargreaves's spinning-jenny, Arkwright's spinning-machine, Crompton's "mule," and Cartwright's power loom were revolutionizing textile industries. Man was beginning to free himself from the

Machinery
and Labor

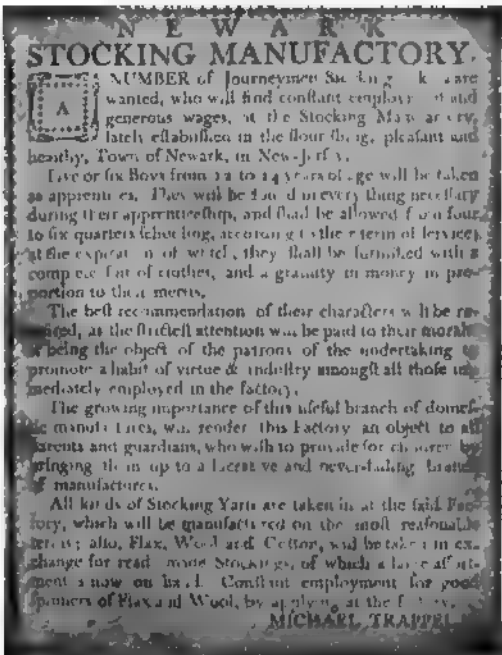
1800 limitations of his own strength and to harness the powers of nature. The "Industrial Stage" of human development was

at hand—the era of capitalism and great factories, the wage system and trade-unions, captains of industry and child labor.

To preserve England's monopoly of the textile industries, parliament enacted stringent legislation to prevent the exportation of the machines, plans, or models. Home-spun linen and linsey-woolsey, a coarse cloth consisting of wool combined with

An Infant Industry

1774, 1781, 1782

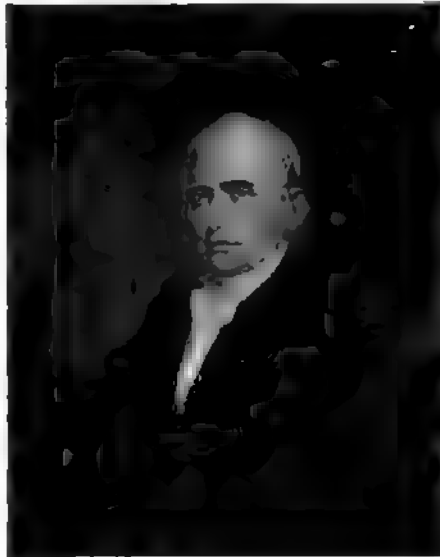


Broadside offering Employment to Children in a Newark Stocking Manufactory

flax or tow and perhaps dyed with colors derived from the bark of trees, were the only fabrics manufactured to any considerable extent in the United States. As early as 1775, however, efforts were made at Philadelphia to secure the new textile machinery, and a spinning-jenny was obtained and exhibited. During the Revolution, the manufacturers of that city extended their enterprises and even built and operated mills—some writers have called them factories. In 1780, attempts were made to establish a factory at Worcester, Massachusetts, but the English laws were enforced so vigorously that for a decade little was accomplished. In 1786, Massachusetts offered financial encouragement for the introduction of machinery for carding and spinning and, in the following year, a short-lived

textile factory, subsidized by the state, was set in operation at Beverly. The machines could "card forty pounds of cotton in a day and spin sixty threads at a time." Other attempts were made in New York and Pennsylvania, but to Rhode Island belongs the credit of building the first factory in which machinery, made after the English models, was practically employed. 1800

Samuel Slater, "the father of American manufactures," was born in Derbyshire in 1768, served an apprenticeship with Jedidiah Strutt who was for some years Arkwright's partner, and thus secured a thorough mastery of the theory and practice of the new machinery. Having seen an advertisement of the Philadelphia Society of Artists and Manufacturers for a machine to make cotton rollers, he

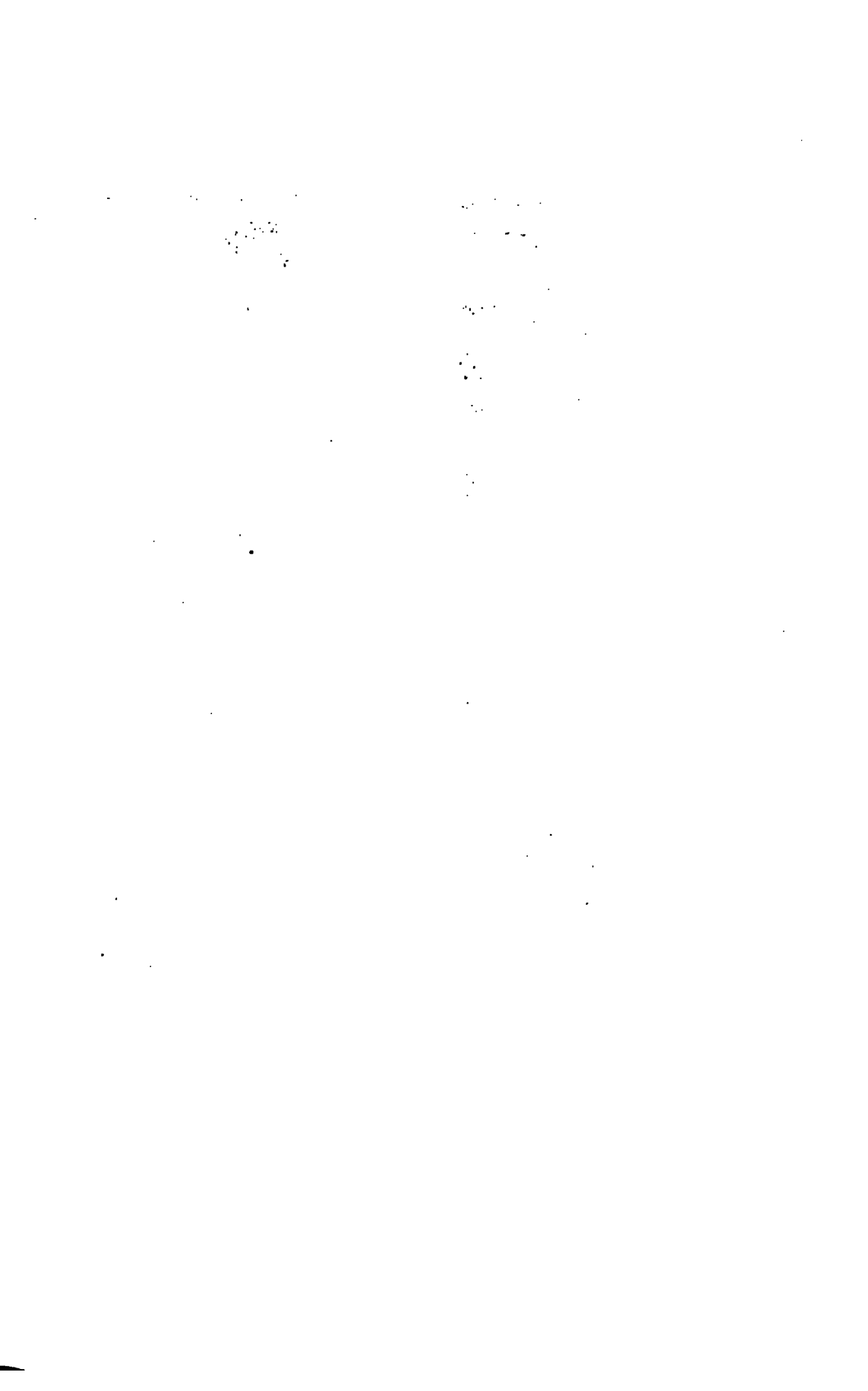


Samuel Slater

Samuel Slater

decided to emigrate to the new country. As the taking of plans was hazardous, he so perfected his knowledge of the machinery that he could duplicate it from memory. On his arrival at New York, he did not at first meet with the encouragement that he had expected, but he finally entered into correspondence with Messrs. Brown and Almy of Providence, Rhode Island, who owned some crude spinning-machines, some of which had been brought from the primitive factory at Beverly. "If thou canst do this thing," wrote Moses Brown to him, "I invite thee to come to Rhode Island and have the credit of introducing cotton-manufacture into America." Slater accepted the invitation and, on the twentieth of December,

November 17,
1789



The total wealth of the country was probably about eighteen hundred million dollars, about four hundred and eighteen dollars for each free white inhabitant. In the preceding decade, banks had increased with great rapidity, yet the total banking capital of the United States in 1800 was less than twenty-nine million dollars. In 1801, the exports were about ninety-four millions and the imports about one hundred and eleven millions; the value of imported products that were subsequently exported was more than forty-six million dollars. The annual value of manufactures in 1790 has been estimated at about twenty million dollars; that of 1800 was, according to Mulhall's *Dictionary of Statistics*, twenty-five million pounds sterling—probably an overestimate. All industry and trade were hampered by lack of capital and currency. The total metallic money of the country in 1801 has been estimated at seventeen million dollars, of which less than two millions had been coined by the United States. In addition to the coin, were several million dollars of bank-notes. The effects of the panic of 1797 were still felt by many.

I 8 0 0
Wealth,
Capital,
Currency, etc.

To the European traveler, the average American seemed crude and uncouth. Of life in Pennsylvania, the duc de Liancourt writes: "There is a contrast of cleanliness with its opposite which to a stranger is very remarkable. The people of the country are as astonished that one should object to sleeping two or three in the same bed and in dirty sheets, or to drink from the same dirty glass after half a score of others, as to see one neglect to wash one's hands and face of a morning. Whiskey diluted with water is the ordinary country drink. There is no settler, however poor, whose family does not take coffee or chocolate for breakfast, and always a little salt meat; at dinner, salt meat, or salt fish, and eggs; at supper again salt meat and coffee." Other writers bear similar testimony. The use of salt pork three times a day was almost universal, one of the many practical ways in which the American unconsciously expressed his contempt for hygiene. Hot bread, hung beef, boiled

Menu and
More

I 8 o o puddings, potatoes and turnips swimming in lard, and insufficiently baked pastry, were staple articles. "I will venture to say," wrote Volney, "that if a prize were proposed for the scheme of a regimen most calculated to injure the stomach, the teeth, and the health in general, no better could be invented than that of the Americans."

Popular
Amusements,
etc.

The use of spirituous liquors was almost universal in all classes of society and drunkenness was common in all parts of the country. In New England, diluted puritanism easily tolerated such amusements as visiting, riding, sleighing, draughts, chess, quoits, target shooting, cricket, and football. A theater was allowed in Boston in 1793, but the prejudice against theatricals, cards, and horse-racing was strong. In most of the other colonies, however, there were theaters in the chief towns; Philadelphia had the finest. Showmen, acrobats, magicians, and "natural philosophers" wandered from town to town and, in 1793, a Frenchman gave balloon ascensions at Philadelphia. In the South, rough-and-tumble fighting was common, the "code of honor" was recognized, and card-playing, cock-fighting, and horse-racing were general. In 1792, the famous stallion, "Messenger," was imported into New York and, six years later, came to Virginia "Diomed," the sire of a long line of famous horses including Andrew Jackson's "Truxton," long the king of the Tennessee turf.

Libraries

There were hardly fifty thousand volumes in all the public libraries of the United States. "I am ashamed to own," wrote Noah Webster, "that scarcely a branch of science can be fully investigated in America for want of books, especially original works. . . . As to libraries, we have no such things. There are not more than three or four tolerable libraries in America, and these are extremely imperfect. Great numbers of the most valuable authors have not found their way across the Atlantic."

Common
Schools

The town schools of New England were antiquated and inactive. After a journey through that section, James Wilson, the ornithologist, wrote: "Except a few

neat academies, I found their schoolhouses equally ruin- 1 8 0 0
ous and deserted with ours." In New York, state appropriations in aid of schools had been made as early as 1786 and, in 1795, the legislature appropriated one hundred thousand dollars a year for five years to create a common-school system. The law was not renewed and, after the appropriation was exhausted, the thirteen hundred and fifty schools decayed. In Virginia, Jefferson had long worked for a systematic plan for elementary, secondary, and higher schools. In 1796, he secured the passage of an act for such a purpose, but, as it was permissive instead of mandatory, it was without effect. The first general appropriation for elementary education in Virginia was not made till 1818. Beginnings had also been made in Georgia, Delaware, Kentucky, and Tennessee.

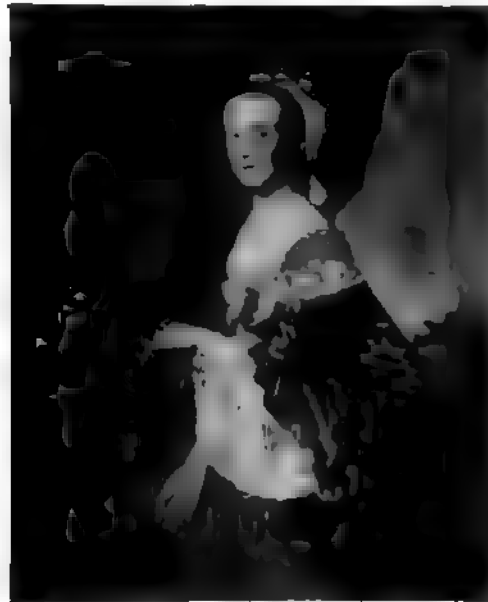
Everywhere pedagogical appliances were poor. For School-books
example, the illustrations of the famous *New England Primer* were inferior to those of a patent-medicine almanac of today. The few other children's books were no less crude, and the same picture was often used again and again to represent widely different things. Thus "a huge vessel with three masts is now a yacht and now the ship in which Robinson Crusoe sailed from Hull," but no other "creature played so many parts as a bird which, after being named an eagle, a cuckoo, and a kite, is called, finally, Noah's dove."

The higher institutions of learning also showed little Colleges
improvement. At Harvard, only one new professorship had been established in three-quarters of a century. The average number of graduates was but thirty-nine, only four more than during the decade from 1720-1730; the most notable change was that the proportion who entered the ministry was smaller. A medical school with three professors had been founded in 1783, and annually graduated classes that in numbers averaged two. At Yale, about thirty students were graduated each year of whom about one-fourth entered the ministry. Columbia had "a formidable array of unfilled professorships" and

1800 graduated fifteen or twenty annually. The English traveler, Weld, described Princeton as "a large college held in much repute by the neighboring States. The number of students amounts to upwards of seventy; from their appearance, however, and the course of studies they seem to be engaged in, like all other American colleges I ever saw, it better deserves the title of a grammar school than of a college." Of William and Mary, Weld wrote that "the Bishop is president of the college, and has apartments in the buildings. Half-a-dozen or more of the students, the eldest about twelve years old, dined at his table one day I was there. Some were without shoes or stockings, others without coats. During dinner they constantly rose to help themselves at the sideboard. A couple of dishes of salted meat and some oyster soup formed the whole of the dinner."

Literature

More attention was paid to literature than hitherto,



Mercy Warren

but, except in the political field, little of the product was worthy of preservation. Washington Irving was only seventeen years of age, J. Fenimore Cooper was not yet twelve, and William Cullen Bryant was only six. In 1798, Charles Brockden Brown produced *Wieland*, the first American novel of merit; within five years he published five other novels.

Hugh Henry Brackenridge, one of the actors in the "Whiskey Insurrection," had published the first part of

Modern Chivalry, a political satire in the style of *Don Quixote*, a work that has been pronounced more thoroughly American than any other book published prior to the appearance of the *Letters of Major Jack Downing* and the *Georgia Scenes* of forty years later. Mercy Warren, sister of James Otis, wife of James Warren, and intimate friend of Abigail Adams, had written several dramatic and satirical poems that were well thought of in their day and that were collected and published in book form in 1790. But her most important work was her *History of the American Revolution*, published in three volumes in 1805 and valuable on account of her personal acquaintance with many of its characters. Philip Freneau had written poetry that Campbell and Scott thought worthy of being plagiarized and William Clifton, a Pennsylvania Quaker, had written that

In these cold shades, beneath these shifting skies,
Where Fancy sickens, and where Genius dies,
Where few and feeble are the Muses' strains,
And no fine frenzy riots in the veins,
There still are found a few to whom belong
The fire of virtue and the soul of song.

But the most pretentious poets of the period were Timothy Dwight and Joel Barlow.

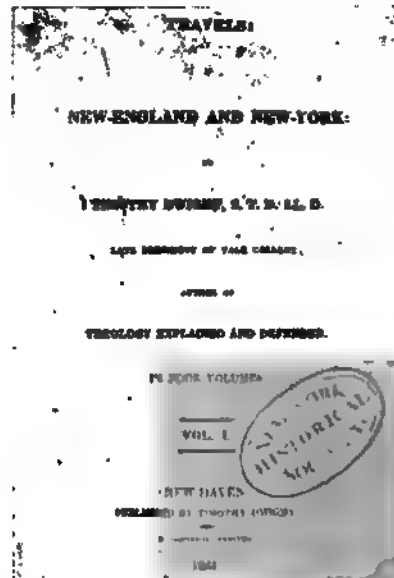
Timothy Dwight was graduated from Yale in 1769. Two years later, he became a Yale tutor and began *The Conquest of Canaan*, an ambitious epic of eleven books and nearly ten thousand lines, "a medium between absolute barbarism and modern refinement." While a chaplain in the Revolutionary army, he wrote several stirring patriotic songs, one of which,

Columbia, Columbia, to glory arise,
The queen of the world and the child of the skies,

became a general favorite. In 1794, he published a long and tedious Connecticut pastoral called *Greenfield Hill*, a work in seven books in which is included a description of the burning of Fairfield by the British in 1779. In 1795, he was called to the presidency of Yale, a position that he held until his death in 1817. In 1797, he published *Triumph of Infidelity, a Satire*, an ortho-

Timothy
Dwight

1800 dox defense of Calvinistic theology against liberalism. Dwight's poetical efforts were taken seriously by his generation, but the work by which he is chiefly remembered is his four-volume prose work, *Travels in New England and New York*, a book that still has historical value and a certain quaint charm.



Title-page of Timothy Dwight's *Travels*

Joel Barlow

Joel Barlow, another graduate of Yale, served in the continental army, practiced law, edited a newspaper at Hartford, held various positions in the diplomatic service, and, in 1811, was appointed minister to France. He journeyed to meet Napoleon in Russia, became involved in the re-

treach from Moscow, and, on Christmas Eve, 1812, died of exhaustion in a little Polish village. He was enthusiastic, egotistical, human; interested in every progressive movement. "In his own mind a figure such as the world rarely saw,—a compound of Milton, Rousseau, and the Duke of Bridgewater,—he had in him so large a share of conceit, that tragedy, which would have thrown a solemn shadow over another man's life, seemed to render him only more entertaining. As a poet, he undertook to do for his native land what Homer had done for Greece and Virgil for Rome, Milton for England and Camoens for Portugal,—to supply America with a great epic, without which no country could be respectable; and his 'Vision of Columbus,' magnified afterward into the 'Columbiad' . . . remained a monument

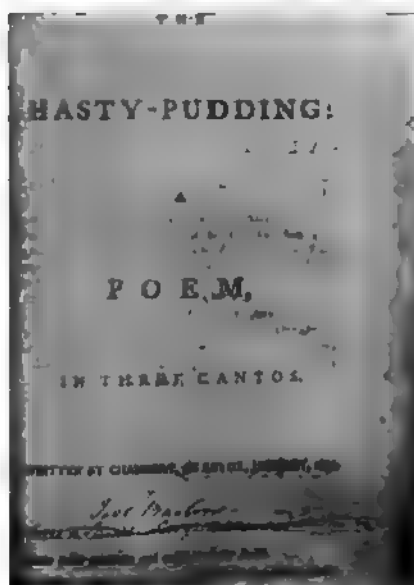
Joel Barlow

Autograph of Joel Barlow

of his ambition." His most popular poem was his 1800 *Hasty Pudding*.

How I blush
To hear the Pennsylvanians call thee mush!

Americans had not yet made much advancement in Science scientific studies. William Bartram, the naturalist, had published a book of *Travels* that contained much valuable information concerning natural history and the life of the aborigines. Benjamin Franklin and David Rittenhouse were dead, but Thomas Jefferson had succeeded to the presidency of the American Philosophical Society. Jefferson was an enthusiastic dabbler in science as he was in most other matters and had an opinion—usually a very good one—on every subject for every comer, though he confessed himself deficient in poetry and geology. It is related that, while staying at an inn, he spent an evening with a northern gentleman who was so charmed with him that he asked the landlord for the stranger's name. "When he spoke of law, I thought he was a lawyer; when he talked about mechanics, I was sure he was an engineer; when he got into medicine, it was evident that he was a physician; when he discussed theology, I was convinced that he must be a clergyman; when he talked of literature, I made up my mind that I had run up against a college professor who knew everything."



Title-page of Joel Barlow's *Hasty Pudding*

Forty years had worked marked changes in religious Religion matters. The New England clergy still exercised great

1800 influence, especially outside the cities, but fewer college graduates were taking up the profession and the old puritanical strictness had long been giving way. Ministers preached against "the insidious encroachments of *innovation*," but theological literature no longer had the prominence it once enjoyed, there was comparatively little of doctrinal discussion, and liberal tendencies were gaining ground. In Virginia, the superficial change was even more noticeable. After a long and hard struggle, Jefferson and other liberals had wrought a separation of church and state. Owing in part to the easy-going lives of many of the clergy, the established church had had little hold upon the hearts of the people and, although it was aristocratic opinion "that no *gentleman* would choose any road to heaven but the Episcopal," the Virginia "gentry stood by and saw their churches closed, the roofs rot, the aisles and pews become a refuge for sheep and foxes, the tombstones of their ancestry built into strange walls or turned into flagging to be worn by the feet of slaves." A notable feature of the religious life of the times was the rapid extension of Methodism. Prior to the Revolution, Wesley's followers had not made much progress in the United States. In 1784, with the approval of their founder, they organized a separate American body. Conditions were favorable and, largely through the zeal and energy of Bishop Francis Asbury who has been compared to Saint Francis, the church made multitudes of converts, especially in the South and West.

The Great
Revival

The West was regarded as an ungodly place, a sort of Satan's stronghold, where a preacher needed for successful work piety and personal prowess rather than theology or clerical ordination. Beyond the mountains, churches were few and far apart. The self-sacrificing "circuit rider" who, at stated intervals, visited the remote cabins of the settlers was sometimes rude and uncouth, but he could read his Bible and write his name and he had "experienced" religion and had the gift of speech—the

indispensable qualifications for his sacred office. It was 1800 not for him to

Spread his little jeweled hand,
And smile round all the parish beauties,
And pat his curls, and smooth his band,
Meet prelude to his saintly duties.

It was for him to declare his mission with an earnestness that could not be misunderstood and to call on men everywhere to repent of their sins and to turn unto God. Of the settlers who had religious inclinations and church affiliations, the great majority were Presbyterians, Methodists, and Baptists. When word was sent around that religious services were to be held at some private house, families traveled long distances to hear the Word. In the summer of 1799, two roving evangelists, John and William Magee, brothers, one a Presbyterian minister and the other a Methodist local preacher, set out from their settlement in Tennessee for a revival tour into Kentucky. At their first meeting, which was held in a Presbyterian church on the Red River, the congregation was so moved that the floor was covered with "the spiritually slain." The excitement spread until the settlements along the Green River and the Cumberland were alive with religious fervor and people traveled fifty miles to attend the meetings. Thus originated what came to be the typical religious festival of the West and the Southwest.

The first regular camp-meeting was held in July, 1800, at Gasper River church in Logan County, where James McGready, a Presbyterian clergyman, with terrific vehemence, pictured "the furnace of hell with its red-hot coals of God's wrath as large as mountains," and "the burning lake of hell" with its fiery billows rolling, and "the yells and groans of the damned ghosts roaring under the burning wrath of an angry God." This meeting was followed by a dozen others in quick succession, attracting alike the curious, the sincere, and the indifferent. At daylight, the trumpet summoned the multitude to prayer and, during the day and well into the night, the preaching, the praying, and the singing went on without intermission

Camp-meetings

1800 and under tremendous emotional stress. The minister generally preached from a rude platform and the congregation sat before him on stumps and hewn logs, while "about the clearing were the tents and wagons ranged in rows like streets." The meetings sometimes lasted for seven days and, at night, when the glare of the camp-fires and the blackness of the shadows added to the weirdness of the scene and the "falling exercise" was most prevalent, the preacher, praying and exhorting, often endured until the eastern sky began to redden with the morning light. At Cane Ridge in Bourbon County, twenty thousand persons gathered and three thousand sinners prostrated themselves. Of the many who came to scoff, some remained to pray and preach while others, shrieking in agony, plunged into the forest with the despairing cry, Lost! Lost!

August, 1801

Strange
Phenomena

As the meetings continued, the excitement increased and, in many cases, broke out in nervous manifestations popularly known as "the jerks." The disorders of nerves and muscles were followed by strange mental phenomena. "Men dreamed dreams and saw visions, nay, fancied themselves dogs, went down on all fours, and barked till they grew hoarse. It was no uncommon sight to behold numbers of them gathered about a tree, barking, yelping, 'treering the devil.'" Later, came a new manifestation. "Sincere professors of religion would, on a sudden, burst into loud laughter; others, unable to resist, would follow, and soon the assembled multitude would join in. This was the 'Holy Laugh;'" rapturously solemn, it excited laughter in none but the religious. Peter Cartwright said: "I always looked upon the jerks as a judgment sent from God; first to bring sinners to repentance, and secondly to show professors that God could work with or without means." He, no doubt, would have accounted for the other manifestations in a similar way. Another writer, less sympathetic, speaks of "this carnival of folly" and explains: "The people were gathered into an atmosphere pregnant with animal excitement, mesmeric force, and religious zeal which would

readily operate on the sensitives, the impulsives, the excitable, the ignorant, and the weak. The character of the leaders, however, is a guarantee of their honesty." In his *The Winning of the West*, Mr. Roosevelt says that "often men backslid, and to a period of intense emotional religion succeeded one of utter unbelief and of reversion to the worst practices which had been given up. Nevertheless, on the whole, there was an immense gain for good."

Nearly every traveler who visited the United States carried away an impression that was sober if not sad. There were no arts, no literature, and society was crude and sometimes unkempt. The impression of crudeness was heightened by the tendency of many Americans to be ignorantly boastful. The duc de Liancourt represents them as claiming "that no one has any brains, except in America; that the wit, the imagination, the genius of Europe are already in decrepitude." All this was made more absurd by the fact that, at that time, "Europe was on the verge of an outburst of genius. Goethe and Schiller, Mozart and Haydn, Kant and Fichte, Cavendish and Herschel were making way for Walter Scott, Wordsworth, and Shelley, Heine and Balzac, Beethoven and Hegel, Oersted and Cuvier, great physicists, biologists, geologists, chemists, mathematicians, metaphysicians, and historians by the score. Turner was painting his earliest landscapes, and Watt completing his latest steam-engine; Napoleon was taking command of the French armies, and Nelson of the English fleets; investigators, reformers, scholars, and philosophers swarmed, and the influence of enlightenment, even amid universal war, was working with an energy such as the world had never before conceived." American achievement thus far had been mostly material and political. Yet the country was rich in possibilities and its people were as virile as some of them were uncultured; they believed that they were a chosen people, blessed with a vast and virgin territory, free from the artificial barriers and throttling systems of Europe, and confident of their abundant

Empty
Boasting

1800 ability to do the work of their today and to solve the problem of their tomorrow. Perhaps it would not be fair to ask more or to expect that they would calmly wait for the vindication and the triumph that they knew the future was to bring them.



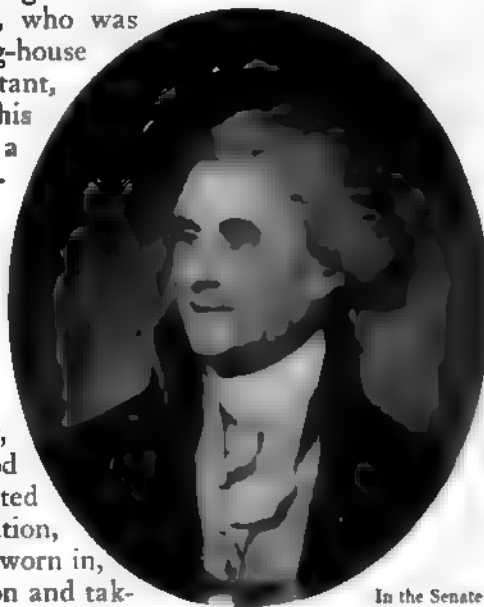


CHAPTER XVI

JEFFERSONIAN SIMPLICITY

IT was a long-accepted tradition that on the fourth of March, 1801, Thomas Jefferson, president-elect of the United States, rode on horseback to the unfinished capitol, made fast his horse at a paling fence, and unattended entered the building to take the oath of office. On the Way
The truth is that Jefferson, who was staying at Conrad's boarding-house only a stone's throw distant, walked to the capitol in his ordinary dress, escorted by a body of militia and accompanied by the secretaries of the navy and the treasury, and a number of his political friends.

As Jefferson mounted the steps of the capitol, an artillery salute was fired; as he entered the senate chamber, the members of congress stood to receive him. He was escorted to the vice-president's station, Burr, who had already been sworn in, giving up his chair to Jefferson and taking the seat at his right hand. On his left, sat John Marshall, the new chief-justice, ready to administer the oath of office. The assembled congressmen



In the Senate Chamber

Thomas Jefferson

Friends & fellow citizens

Called upon to undertake the duties of this great American office of representing
unhappy I avail myself of the presence of that portion of my fellow citizens I shall have a chance
to express my grateful thanks for the favour with which they have been pleased to look towards me
to deliver a sincere consciousness that the task is above my talents & that I apprehend it will therefore
be a painful prostration which the greatness of the charge & the weakness of my powers so justly inspire
a man never spread over a wide & fruitful land & covering all the way with the work of
distinctions of their intention, accompanied in accordance with nature in the first principle of work - a
advancing rapidly to determine towards the reach of mortal eye - for I contemplate those "great
monumental" aspects of the human the happiness & the hopes of the beloved country with me
to the cause & the auspices of this day, I turn from the contemplation of the little myself
before the magnitude of the undertaking. While, indeed should I despair as do not the pro-
gress of many, whom I have seen, remind me that in the other high authorities provided for
in consultation I shall find resources of wisdom, firmness & of zeal on which to rely, & not all
difficulties to overcome, gentlemen who are charged with the sovereign function of legis-
lation & to those associated with, or I look with encouragement, in that guidance & in
which men enable us to deal with safely the subject in which we are all embarked & do not
the conflicting elements of a troubled world.

During the contest of opinion — through which we have passed — no man's
of discussion & of exertions has sometimes worn an aspect which might compromise or embarrass
manifold to think freely & to speak & to write what they think but this law is decided
by the voice of the nation, pronounced according to — the rules of the constitution —
I propose arrange themselves under the will of the law & unite in common efforts for the
common good. The successful majority, I would hope, would be the one that is most
opposed, that will to be rightful must be reasonable, that the minority possess the
equal rights, which equal laws must protect & to violate would be oppression let us then
follow citizens unite with one heart & one mind let us restore to social harmony
without which liberty & union life itself are built on things and it is with
having benefited from our land that religious intolerance under which millions of the
we have yet gained little if we countenance a political intolerance as despotic, as wicked &

“looked up at three men who profoundly disliked and distrusted each other.” John Adams and Speaker Sedgwick were conspicuously absent. After a short pause, the president-elect arose and delivered his inaugural address.

The manner of delivery of the inaugural was not much admired, but the speech itself was such that, excepting those delivered by Lincoln, it remains the most famous of all such addresses. Jefferson's immediate task was to set forth his political principles and to allay the apprehensions of the country. “Let us,” said he, “unite with one heart & one mind; let us restore to social intercourse that harmony & affection, without which Liberty, & even Life itself, are but dreary things. . . . We are all republicans: we are all federalists.” He declared that the fear that a republican government cannot be strong was without foundation. “I believe this, on the contrary, the strongest government on earth. I believe that it is the only one whose every man, at the call of the law, would fly to the standard of the law; would meet invasions of public order, as his own personal concern. Sometimes it is said that Man cannot be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let History answer this question.” He then enumerated the manifold advantages that America enjoyed and asked: “With all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens, a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry & improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, & this is necessary to close the circle of our felicities.” He then defined the essential principles upon which such a government must be conducted, “stating the general principle, but not all its limitations. Equal & exact justice to all men, of whatever state or persuasion, religious or political: Peace, commerce, & honest friend-

I 8 0 1
The
Inaugural
Address

1801 ship with all nations, entangling alliances with none: The support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti republican tendencies: The preservation of the General government, in its whole constitutional vigor, as the sheet anchor of our peace at home & safety abroad. A jealous care of the right of election by the people, a mild & safe corrective of abuses which are lopped by the sword of revolution, where peaceful remedies are unprovided. Absolute acquiescence in the decisions of the Majority, the vital principle of republics, from which is no appeal but to force, the vital principle & immediate parent of despotism. A well disciplined militia, our best reliance in peace, & for the first moments of war, till regulars may relieve them: The Supremacy of the Civil over the Military authority: Economy in the public expense, that labor may be lightly burthened: the honest payment of our debts and sacred preservation of the public faith: Encouragement of Agriculture, & of Commerce as it's handmaid: The diffusion of information, & arraignment of all abuses at the bar of the public reason: Freedom of Religion, freedom of the press, & freedom of Person under the protection of the Habeas corpus: And trial by juries, impartially selected. These principles form the bright constellation which has gone before us, & guided our steps through an age of Revolution and Reformation: The wisdom of our Sages & blood of our Heroes, have been devoted to their attainment: they should be the Creed of our political faith, the Text of civic instruction, the Touchstone by which to try the services of those we trust; and should we wander from them, in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to Peace, Liberty & Safety."

A Great
Speech

The address was not the radical pronouncement that many had expected from him who had been denounced "as a fanatic, a visionary, a semi-maniac, a foe to commerce and public credit, a mobocrat who sought to put

down good men, a French Jacobin, an infidel and blasphemous." The very violence of partisan denunciation and consequent wide-spread misapprehension of the character of the man and the motives of the politician made it easy for Jefferson to surpass the expectations of the people and thus to win their praise. The speech was rightly regarded as a great effort; it was printed on satin and on less expensive materials and was soon for sale all over the country.

The oath of office was administered by the new chief-justice and, amid the thunder of artillery, the new president withdrew to the executive mansion. The rest of the day was given to festivities and, at night, there was an illumination, the final feature of the first of the quadrennial pageants that, in our day, crowd the streets of the beautiful national capital and fill the coffers of its willing people.

On the following day, the president appointed James Madison as secretary of state; Henry Dearborn, secretary of war, and Levi Lincoln, attorney-general. He had difficulty in finding a head for the navy department. He offered the position to four or five persons, including General Samuel Smith of Maryland, but they all refused and Jefferson suggested that he might have to advertise for a man. Secretary Stoddert, who had consented to tarry for a time, became weary of waiting and resigned, after which the duties of the office were performed without appointment by General Smith until his brother, Robert, a Baltimore lawyer, was appointed secretary of the navy and accepted the position. For the more important post of secretary of the treasury, Jefferson had selected Albert Gallatin. But Gallatin was bitterly hated by the Federalists who still had a majority in the senate. Jefferson therefore waited for the close of the special session of that body and then made a recess appointment. When the new congress met in regular session, the Republicans had a majority of two and Gallatin was confirmed.

The cabinet thus formed is notable because it continued without change during Jefferson's first term; Dearborn,

The Oath of Office

Jefferson's Cabinet

July 15

May 14

Its Personnel

1801 Madison, and Gallatin remained in it until Jefferson retired from office; and Gallatin served five years longer under Madison. It was also notable for the harmony of its counsels; in 1811, Jefferson wrote, that during the eight years of his administration there never was "an instance of an unpleasant thought or word between the members." Much of this harmony was doubtless due to Jefferson's tact and part of it to the character of the men themselves. Yet, with two exceptions, none of the five was of remarkable ability. Smith's fitness for the place was supposed to consist chiefly in the aid and advice that his brother, Samuel, would give. Lincoln was a Massachusetts lawyer who had been elected to a vacancy in the house of representatives. Gallatin described him as a good lawyer, a fine scholar, a man of sound judgment, and amiable, one who "has never, I should think from his manners, been much out of his own state, or mixed much with the world, except on business." Dearborn, a resident of the district of Maine, had followed Arnold in the march against Quebec, had been captured in the assault on that city, had subsequently attained the rank of colonel in the continental army, and had served in congress. Gallatin and Madison would have stood high in any cabinet. Though dry in manner and not of imposing appearance, Madison had learning and good sense and was a statesman. Gallatin was versatile and seemed to be possessed of greater force than either Madison or Jefferson. He was especially skilled in finance; "even Alexander Hamilton could not more hopelessly tie up a financial problem than this third, foreign-born head of the United States treasury. He was precisely the man the Republicans needed, for most of them were more expert at farming than at figures."

The Cry of
Hunger

Jefferson was quickly brought face to face with a demand that he fill five thousand hungry partisans with five loaves and two fishes—one of the chief torments of every president from that day to this. For the first time in the history of the country, the "outs" had come into power. Federalists filled all the federal offices and the

victorious Republicans loudly demanded a thorough 1 8 0 1
cleansing of the Augean stables. This task was neither
undertaken nor expedited with Herculean enthusiasm,
but the changes that were made for cause and for party
considerations were numerous and important enough to
convince at least those who were displaced that the
inaugural affirmation, "We are all Federalists," was to
be taken with caution.

In a letter written to William B. Giles, Jefferson thus
laid down the principles by which he intended to be
guided in making removals: "1. All appointments to
civil offices during pleasure, made after the event of the
election was certainly known to Mr. Adams, are con-
sidered as nullities. I do not view the persons appointed
as even candidates for the office, but make others without
noticing or notifying them. Mr. Adams' best friends
have agreed this is right. 2. Officers who have been
guilty of *official* mal-conduct are proper subjects of
removal. 3. Good men, to whom there is no objection
but a difference of political principle, practised on only
as far as the right of a private citizen will justify, are not
proper subjects of removal, except in the case of attorneys
& marshals. The courts being so decidedly federal &
irremovable, it is believed that republican attorneys &
marshals, being the doors of entrance into the courts, are
indispensably necessary as a shield to the republican part
of our fellow citizens, which, I believe, is the main body
of the people." He soon discovered, however, that such
a moderate course would neither satisfy his followers nor
give his party what he considered a fair share of the
offices; he therefore soon began to make removals for
offensive partisanship and other political causes. What
he called "the Essex junto & their associate monocrats"
were the especial objects of his wrath; in July, 1801, he
wrote to Levi Lincoln "to make out a list of those in
office in yours and the neighboring states, & to furnish
me with it."

Cause for
Removal from
Office
March 23

On the death of David Austin, collector of customs at Reciprocity
New Haven, Adams appointed Elizur Goodrich as his

I 8 O I successor about two weeks before the close of his administration. Goodrich's appointment was therefore one of those that were "considered as nullities" and Jefferson named Samuel Bishop for the office "lately vacated by the death of David Austin"—a rebuke to Adams and a blow to the Federalist organization that included the governor, the council, and the Yale college corporation, and dominated the state. As a majority of the people of Connecticut detested Jefferson, it is little wonder that the president entertained an antipathy to Connecticut Federalists. On the Fourth of July, the Middletown voters drank to the toast: "Thomas Jefferson, may he receive from his fellow citizens the reward of his merit—a halter." Three days later at New Haven, Theodore Dwight, brother of the president of Yale, held up Jacobinism as the synonym of Republicanism, declared that its object was to force mankind back into the savage state, and asked: "Can the imagination point anything more dreadful on this side of Hell?" Four days after that, Jefferson wrote to his attorney-general that "Our gradual reformation seem to produce good effects everywhere except in Connecticut. Their late session of legislature has been more intolerant than all others. We must meet them with equal intolerance."

Protest and
Manifesto

July 12

Samuel Bishop was mayor of New Haven and the occupant of other official trusts that constituted conclusive "public evidences of the estimation in which he is held by the State in general, and the city & township particularly in which he lives," but he was seventy-seven years old and it was foreseen that the duties of the office would be performed by his son Abraham, an active Republican whom the Federalists much hated. Eighty New Haven merchants, therefore, signed a remonstrance against the action that had been taken. This gave Jefferson an opportunity to defend Bishop's appointment in particular and his policy regarding removals in general. The late administration, he wrote, had excluded all but Federalists from office; "was it to be imagined that this monopoly of office was still to be continued in the hands

of the minority? . . . Is it *political intolerance* to claim a proportionate share in the direction of public affairs? . . . If a due participation of office is a matter of right, how are vacancies to be obtained? Those by death are few; by resignation, none." The total exclusion of Republicans from office called for prompt correctives. "I shall correct the procedure; but that done, . . . shall return with joy to that state of things, when the only questions concerning a candidate shall be, is he honest? Is he capable? Is he faithful to the Constitution?"

All things considered, Jefferson pursued a moderate course with regard to removals. He was not the father of the "spoils system" as has been asserted. His contention that a fair share of the chief federal officials ought to be in sympathy with the party in power was sensible and reasonable. Of the three hundred and eighty-five officials removable by the president on the fourth of March, 1801, one hundred and eighty-three were still in office four years later. Aside from the forty so-called "midnight" appointees, fewer than twenty had been removed for political reasons; some had died, some had resigned, some had been removed for misconduct, and some had become Republicans. In fact, Jefferson was less culpable in this respect than Adams had been. From principle or from policy, he refused to appoint relatives to office and, in appointing commissioners of bankruptcy under the act of 1801, he selected men from both parties. Regarding nepotism, he wrote: "The public will never be made to believe that the appointment of a relative is made on the ground of merit alone uninfluenced by family views, nor can they ever see with approbation offices divided out as family property. Mr. Adams degraded himself infinitely by his conduct on this subject."

Jefferson's
Moderation

Among those most insistent for a share of the spoils were William Duane in Pennsylvania and Aaron Burr in New York. Duane was then in a debtor's prison at Philadelphia and had "a host of doubtful friends clamor-

Demands
Denied

1801 ing for office." The brunt of these demands fell upon the secretary of the treasury who refused to make the sweeping removals urged by the *Aurora* and thereby incurred the bitter enmity of Duane. Burr obtained even less satisfaction. As to New York, the president was determined to build up the Clinton and Livingston factions and thus to bring about the downfall of his associate. For some months, Burr urged the claims of his followers only to be put off with "Nothing is determined."

A Cautious
Policy

January 16

Despite the language of his inaugural address, Jefferson looked upon his accession to power as a real revolution. He was determined to make certain reforms, but he proceeded cautiously and moderately. This was due partly to the cast of mind that enabled Hamilton to prophesy that Jefferson would pursue "a temporizing rather than a violent system," and partly to the exigencies of the political situation. The Republicans had triumphed by a narrow margin and their leader realized that unless the game was well played a reaction might follow. With his eye upon future elections, Jefferson determined to draw Federalists of the milder school to his standard. He even planned to win all or a part of New England and he well knew that the forcing of radical measures would make impossible the political conversion of that Federalist stronghold.

Matter
December 8

In nothing did Jefferson's moderation reveal itself more noticeably than in his first annual message to congress, a paper that deserves study less for what it contains than for what it omits. In restrained language, the president recommended the repeal of all internal taxes, payment of the public debt, economy, simplification of the general government, reduction of the number of officials, and the repeal of the recent judiciary act. But of states rights, constitutional interpretation, and other subjects regarding which the Republicans, when in opposition, had had much to say, there was not a word.

Manner

In the method of placing the message before congress, the president inaugurated an important change. Instead of appearing in person, he sent a note to the speaker and

the vice-president stating that he would communicate the message in writing. "In doing this," he wrote, "I have had principal regard to the convenience of the Legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to public affairs." There was no ceremonial cavalcade, presidential oration, or congressional procession with an address of reply. "Thus was swept away an idle custom which had cost the Government thousands of dollars, and to abolish which Matthew Lyon had twice braved the jeers of the House and the abuse of the Federal press." Jefferson's enemies said that he made the change because he knew that he was a poor speaker, but the change proved to be so satisfactory that the old custom has never been renewed.

One of the president's main motives in making the change arose from a desire for the suppression of "all those public forms and ceremonies which tended to familiarize the public eye to the harbingers of another form of government." As a Republican president, Jefferson affected to disdain whatever smacked of official dignity or ceremonial form, an affectation of "democratic simplicity" for political effect. He refused to have his birthday celebrated, abolished presidential levees, and drew upon himself much Federalist criticism because, when visiting the capitol to confer with political friends, he often rode up on horseback and with his own hands tied his horse to a peg in the shed that had been built for the mounts of congressmen. He did, however, buy a coach that was drawn by four magnificent horses and attended by a coachman and a footman in livery, but the vehicle was seldom seen, perhaps because the streets of Washington were unpaved and muddy.

The president's course in such matters was not approved by the society-loving inhabitants of the capital. Randall, the Jeffersonian "Boswell," relates that some ladies who were opposed to the abolition of the levees decided "to muster in force at the presidential mansion

1 8 0 1
1 8 0 9

Motive

A Call from
the Ladies

1 8 0 1 at the usual time. They accordingly did so. The presi-
 1 8 0 9 dent was out riding on horseback, but soon returned.
 Learning the extraordinary number of ladies that had called, and at once guessing the motive of the visit, he went immediately, hat in hand, spurs on, and soiled with dust, into their midst. He expressed himself overjoyed at such a happy coincidence. Never had he been so cordial or attentive. He allowed no one to go without urging her to stay longer. The fair visitors finally departed, laughing heartily at each other and the result of their experiment. They never repeated it."

A Call from
 Minister
 Merry

November 29,
 1803

When Merry, the newly appointed British minister, made his first official call, he and the secretary of state found the audience hall empty. Meeting the president in a narrow passageway and being forced to back out for an introduction, the courtly diplomat was astounded to find the president "in slovenly undress, with slippers down at the heel and Connemara stockings." Some of the details of the meeting were thus recorded by the offended caller:

Mr. Jefferson's appearance soon explained to me that the general circumstances of my reception had not been accidental, but studied. I, in my official costume, found myself, at the hour of reception he had himself appointed, introduced to a man as the President of the United States, not merely in an undress, but actually standing in slippers down at the heels and both pantaloons, coat and underclothes indicative of utter slovenliness and indifference to appearances, and in a state of negligence actually studied.

Of course, Minister Merry had not expected such remarkable deference to the notions of what Abigail Adams called "the mobility," and it is not surprising that his astonishment was mingled with disgust. With the coming of another "insult," the minister was ready to lay an embargo on the social hospitality of the president.

The Tempest
 in the Teapot

December 2,
 1803

When Merry and his wife dined at "The Palace," the president not only invited the French chargé d'affaires but, following his "principle of equality, or *pêle-mêle*," which ignored precedence and made no reservation of places, took to the table the wife of the secretary of state instead of Mrs. Merry. It is possible that Jefferson's offense was made more serious than it otherwise would have been by the fact that Mrs. Madison was a lady of

extraordinary beauty and rare accomplishments. Merry thus reported the affair: 1 8 0 1
1 8 0 9

Mrs. Merry was placed by Mr. Madison below the Spanish minister, who sat next to Mrs. Madison. With respect to me, I was proceeding to place myself, though without invitation, next to the wife of the Spanish minister, when a member of the House of Representatives passed quickly by me and took the seat, without Mr. Jefferson's using any means to prevent it, or taking any care that I might be otherwise placed.

When Merry suspended social intercourse with the president and the Spanish minister made common cause with his brother diplomat, Jefferson made overtures for peace and the representative of Great Britain and Ireland "administered an airy rebuke." The subject even became a topic of cabinet consultations and diplomatic representations. Jefferson laid the blame on Mrs. Merry, who, he said, induced her husband to take official notice of the affair. "Be assured," he wrote to Monroe, then in England, that she "is a virago, and in the short course of a few weeks has established a degree of dislike among all classes which one would have thought impossible in so short a time. . . . If . . . [she] perseveres, she must eat her soup at home, and we shall endeavor to draw him into society as if she did not exist." January 8,
1804

While in France, the president had acquired a fondness for French dishes and he now kept a French cook, which was thought by some to be inconsistent with his intense democracy. On New Year's Day and the Fourth of July, he kept "open house" to all comers and the assemblages were not sufficiently "select" to suit the more fastidious. "Odd figures and odd dresses were to be seen in the windows and on the grand staircase; the footpaths of the Presidential grounds were thronged; President's Square was crowded by two o'clock with a crowd of spectators, white and black. The Marine and Italian bands played. Wine, punch, and more delicate refreshments were provided for the guests, who arrived some on foot and some in carriages, all helter-skelter. The President stood at the head of the reception-room with his cabinet, his figure slender, more than six feet high, his step elastic, his reddish hair turning from sandy to gray; frank and affable in speech, and yet self- Receptions

May 3 received of J. Barnes 400.0.

A. I enclosed the \$100. D. to Mr Dupont in N. Y. to purchase
a bill of exchange to be remitted to Paris.
By letter from Mr. I am informed that Rives & Co. credit John
Penny 112. £ who credits it to me. I am indebted to S. H. Co. who
who credits it to Rives & Co.
also that instead of my having paid him a 50 D. bill anti more
21. I paid him by mistake a 5 D. bill. I must credit him
therefore the 49 D. or rather charge him only the 5. D.

[illegible]

This distribution under heads is not complete to make a full statement of all my concepts. The shortcomings and other articles must be added separately (the materials not being on hand) as follows:

Examination to be typed as above

Statements analyzed as above

1007 Coll. payment to Brown & Green for Monticello household.

esp. plantation and buildings, not analysed. 1,000.

Following the master's Victoria account, unfortunately, 14522

nothing was a hole in the ground.

These sediments must have been molten & flowing

Salary _____

• Total no. clear specimens

Results are ² Varianalyzed on the above acc¹ 289.11

2. allowed in acct with Cannon Ferry, N.Y. at \$700 100%

$\frac{1}{2} \times 10^{-6}$ or nails analysis, etc. - above all! 197.17

1962 Mar 1 bought by this statement to have had cash in hand

but I had actually in hand on that day only

10. That the errors of this statement amount to 1.1% of the total value of the statement.

...the back of them. This makes part of the cover, & the article of unity has been so.

Figure 6

possessed; now friendly, now courteous, according to the person he addressed, whom he generally seemed to know by name; simplicity the great charm of his manner. Among the diplomatic corps appeared singular contrasts: the French minister was decked in gold lace; the Tunis ambassador, who conversed in Italian, wore his silk slippers, turban, and a robe displaying his scarlet jacket beneath, which was embroidered with buttons of precious stones. A train of Indian warriors would sometimes join the throng bedecked with war finery, with blankets and deerskin moccasins, feathers on their heads, and silver pendants from the nose and ears." Eliminate the "wine, punch, and more delicate refreshments" and add the East Room, and the description would hold good for almost any of the New Year's receptions of later years.

The Republicans had a good working majority in each branch of the congress that met on the seventh of December, 1801. For speaker, the house chose Nathaniel Macon, "an admirable example of the plantation type of statesman which was to dominate national life. Buck Spring, his North Carolina plantation, had for him the same absorbing charm that Monticello had for Jefferson. Unlike the latter, however, he did not note the unearthing of the bones of megatheriums; but he atoned for his neglect by recording the births of his thorough-breds on a fly-leaf of the family Bible." Macon appointed his intimate friend, the eccentric Randolph of Roanoke, as chairman of the committee of ways and means, the most important of the house committees. Randolph was heavily in debt and was supposed to know little of financial matters, but he developed more ability for working out national and financial reforms than he had shown in the management of his own affairs.

The alien and sedition acts had expired by limitation and congress repealed the naturalization law of 1798. The chief struggle of the session was over the repeal of the judiciary act. The Federalists defended the law with determination and "a wealth of argument and denunciation." Bayard of Delaware, who led the Federalists in

The Seventh
Congress

The Repeal
of the
Judiciary Act

1 8 0 1 the house, even hinted at bloodshed and asked if the
 1 8 0 2 Republicans would "risk civil dissension; will they hazard the welfare, will they jeopardize the peace of the country to save a paltry sum of money, less than thirty thousand dollars?" But the Republicans were equally determined. Randolph defiantly declared that he wished it repealed not because of its expense but because it afforded "a hospital for decayed politicians." "They [the Federalists] have retired into the Judiciary as a stronghold," Jefferson declared. "There the remains of federalism are to be preserved and fed from the Treasury; and from that battery all the works of republicanism are to be beaten down and destroyed." The repeal bill was carried by a majority of one in the senate and by a vote of fifty-nine to thirty-two in the house. For the future, there were to be six circuit courts, each presided over by a supreme justice and a district judge. The judiciary system as then established remained essentially the same for more than half a century.

December 19,
1801

Gallatin's
Plans

January 1,
1802

By the repeal of the judiciary act, the Republicans brought political retribution upon their enemies and effected a saving to the government. Upon Gallatin fell the burden of bringing about the greater financial reforms that were in progress, rigid economy, specific appropriations, reduction of taxation, and rapid payment of the national debt. The national debt was more than eighty millions, or four millions greater than Hamilton's estimate in 1789. Gallatin proposed to pay the debt in sixteen years and estimated that for this purpose a little more than seven and a quarter million dollars would be required annually. As the total income of the government for the next year would probably be less than eleven million dollars, it was difficult to see how the excise tax could be repealed.

Retrenchment

Gallatin's plans were never fully carried out, but much was accomplished along the lines that he laid down. The excise was repealed, the army was reduced, the building of the six 74-gun vessels was stopped, salaries were cut down, the number of officers in the civil service

was greatly diminished, and several of the diplomatic 1801
establishments were abolished. By such economies, the 1802
net ordinary expenditures of the government were lessened from about seven and a half million dollars for

LIVERPOOL, 16 May 1802.

We annex for your government a copy of an Act of Parliament passed at the close of the last Session, to regulate the future extent of Orders of Council.

As the act is not sufficiently explicit, we have taken considerable pains to gain information upon the subject, and submit to you the following remarks, viz.—

That after the 1st September, 1802, Cotton, which is not the Growth of the United States, cannot be imported for home use from thence in American or other Foreign Vessels, but may in British.

The produce of the United States can only be imported from thence in British vessels, or in American vessels navigated according to law, that is, the vessel must be United State built—be regularly registered (*a few letters will not do*)—have the Master and three-fourths of the Crew at least American. We crave particular attention to this point; and recommend, to prevent detention here, that none but natives of the United States be admitted, for each man is separately examined upon oath at our Custom-House; and is not acknowledged here as a citizen of the United States, even though he is naturalized and has a protection, unless he was so at the time the Independence was acknowledged by this country, and has been in the service ever since.

This act will not affect Sugar, Coffee, Cocoa, Ginger, Pimento, or Logwood, as they have always been warehoused for exportation, which is still allowed by this act till 1st January, 1804.

Hides, Furs, Nicaragua Wood, Bar Wood, Mahogany, and such articles as have been sold for home use, will, under this act, be alone allowed to be warehoused for exportation.

Cochineal and Indigo may be imported for home consumption, in either American or British vessels.

Flour and Grain may also be admitted in any vessel from any place, free of duty, till 1st January, 1803, unless the crops of this season should make a different policy necessary.

We remain,

Your obedient servants,

Antony Ashmole

James Munroe

Circular from a London Mercantile House Explaining Act of Parliament relative to Imports

1800 to about five million dollars for 1801, and to an average of about four million dollars for each of the three years following. Regarding the navy, Jefferson had extreme views; "of all the Federalist inventions nothing

I 8 0 1 was more hateful to the president." He had a notion
 I 8 0 2 that a powerful navy might draw the United States into
 April 17, 1801 a disastrous war and wrote that he should be chagrined
 if he could not lay up the seven larger vessels in the eastern
 branch of the Potomac where "they would be under the
 immediate eye of the department, and would require but
 one set of plunderers to take care of them." A few
 December 15, months later, he suggested to congress that a dock should
 1802 be built at the Washington navy-yard where the vessels
 might be "laid up dry and under cover from the sun."
 The outbreak of war with the Barbary pirates prevented
 these schemes from being carried into effect and over-
 turned Gallatin's plans for naval economy.

Legislation

At this session of congress, the United States military
 academy at West Point, which had been recommended
 by Washington and Hamilton, was authorized, a copy-
 right act was passed, a congressional library was begun,
 and the sum of six hundred thousand pounds in gross,
 to be paid in three annual installments, was appropriated
 for the final settlement of British debts according to
 Jay's treaty. Representation in congress was reapportioned
 on the basis of the new census and the number of
 representatives was considerably increased. Provision
 April 30, 1802 was made whereby Ohio might become a state; strangely
 enough, the exact date of her admission into the Union
 is still a matter of dispute. As one of the conditions of
 Ohio's admission, congress provided, at Gallatin's sug-
 gestion, that the public lands therein should remain
 national property, but that ten per cent. of the net pro-
 ceeds from their sale should be devoted to the building
 of roads to the West and, as previously ordained, that
 one section in every township should be granted for
 establishing schools.

Religious Bigotry and Partisan Hate

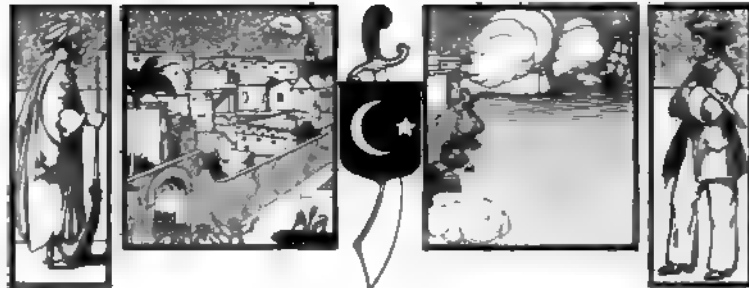
Upon his accession to power, Jefferson remembered
 political and personal friends who had suffered from
 prejudice or from Federalist attacks. He invited Doctor
 Priestly, the eminent English Unitarian, to be a guest at
 the White House and wrote to Thomas Paine, then living
 in poverty at Paris, offering him passage to America on

a national vessel. In France, republicanism was giving way to empire, and Paine, though he declined the offer lest it injure the president politically, came to America, where he was cordially entertained by Jefferson. The Federalists saw an opportunity to strike Jefferson through Paine and raised a great outcry; there was a veritable "partisan crusade under a pious flag." Paine endured the "inquisition," with its mobs and placards of the devil flying away with him, as best he might, struck back with his accustomed energy and egotism, and ultimately retired to his farm at New Rochelle. In 1809, after living more than the allotted three score and ten, he died in New York City.

Jefferson's experience with another pamphleteer was more unfortunate. James Callender's term of imprisonment for violating the sedition law had expired, but, by Jefferson's order, the fine was remitted and he was given a full pardon. When Callender applied for the Richmond postmastership and the request was met with an offer of personal charity, the serpent struck its fangs into the hand from which it had fed. The scribe proclaimed that Jefferson had encouraged him to publish some of the worst attacks on the Federalist administrations and filled column after column of the *Richmond Recorder* with slanderous attacks upon Jefferson's personal morals. These stories were published broadcast by the Federalist press, but Jefferson made no reply and went on with his work of punishing the vice-president and with his avowed attempts "to sink Federalism into an abyss from which there shall be no resurrection for it." In both these attempts the president was making headway. Burr was losing his grip upon New York politics and Republican principles were becoming well rooted even in New England soil. But before describing in detail the downfall of Burr and the onward march of militant democracy, it will be necessary to turn our attention to a foreign war and the purchase of an empire.

1801
1803
October 30,
1802

The Warmed
Serpent

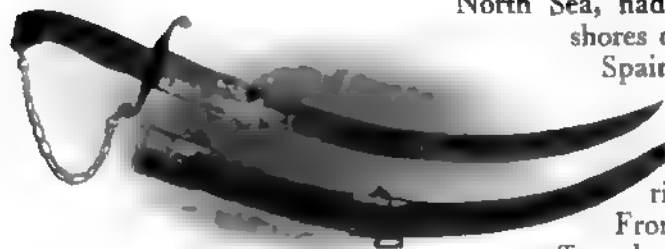


CHAPTER XVII

THE WAR WITH TRIPOLI

The Barbary
Pirates

FOR centuries, the little states lying between the Mediterranean and the Sahara and extending from the Atlantic to Egypt had habitually levied tribute even upon the most powerful European nations and, when payment was refused, had captured vessels of the offending power in the English Channel and the North Sea, had landed on the shores of Italy, France, Spain, and England, and dragged away European captives to African slavery.



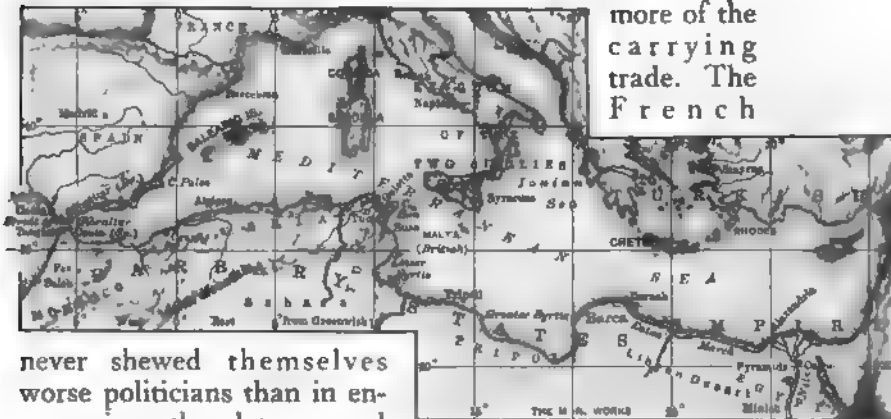
The Reason
Why

Sword of the Tripoli Campaign

From time to time, efforts had been made to stamp out the practice with merely temporary effect at best and often with no effect at all. In fact, the great maritime powers had a criminal interest in the continuance of the evil, the nature of which interest was bluntly set forth in a pamphlet published by Lord Sheffield in 1783. "It is not probable the American States will have a very free trade in the Mediterranean," wrote Sheffield. "It will not be the interest of any of the great maritime powers to protect them there from the Barbary States. If they know their interests, they will not encourage the Americans to be carriers—that the Barbary States are advan-

tageous to the maritime powers is obvious. If they were 1801 suppressed, the little States of Italy, &c. would have much

more of the carrying trade. The French



Map of the Mediterranean and Northern Africa, to Illustrate the War with Tripoli

never shewed themselves worse politicians than in encouraging the late armed neutrality. . . . The

armed neutrality would be as hurtful to the great maritime powers as the Barbary States are useful. The Americans cannot protect themselves from the latter; they cannot pretend to a navy." About the same time, Benjamin Franklin was writing home: "I think it not improbable that these rovers may be privately encouraged by the English to fall upon us and to prevent our interfering in the carrying trade; for I have in London heard it as a maxim among the merchants, that if *there were no Algiers, it would be worth England's while to build one.*"

Whether Franklin's suspicion was correct or not, the corsairs soon learned to recognize the American flag as that of a weak power. In October, 1784, the brig "Betsy," bound to Teneriffe, was captured and carried into Tangier, but was finally released by the emperor of Morocco who hoped to negotiate a favorable peace with the United States. In the following year, two other vessels were seized by Algerine corsairs and their crews reduced to slavery. A war between Algiers and Portugal had, for some time, kept the Straits of Gibraltar closed against Algerine cruisers, but, in 1793, a year's truce was

Opening the
Cage

1801 concluded "through the influence of the English consul at Algiers, for the express purpose, as it is alleged, of allowing the Algerines to cruise against Americans." Eight corsair vessels at once hastened through the straits and, in two months, captured eleven American vessels.

October-
November,
1793

Prison Life

Upon capture, a prisoner was usually stripped of his own clothing and given filthy rags to wear. Upon arrival at the pirate port, an iron ring was put on one of his legs as a badge of slavery and he was fortunate if he was not loaded with heavy chains. Sometimes the prisoners were parcelled out among private individuals, but frequently they were taken into government employ and used upon government works. The food given them was scanty and, at night, the government prisoners and some of the private ones also were confined in the bagnio or prison. James L. Cathcart, one of the seamen taken on the Boston schooner, "Maria," has given us a description of the "Bagnio Belique," one of these prisons, which, he says, "must resemble the infernal regions more than any other place in the known world. . . . The second and third story of this dungeon is surrounded by a small corridor or gallery from whence are entrances into long, narrow rooms where the slaves . . . repose as well as miserable wretches can be supposed to do who are swarming with myriads of vermin of all sorts, many nearly naked, and few with anything more than an old tattered blanket to cover them with in the depth of winter."

Ransom

This captivity, with its accompaniment of Moslem insults and the bastinado, continued until the "dog of an unbeliever" died or was ransomed; the plague and other contagious diseases carried off many. Every prisoner hoped to be ransomed, but the families of most of them were unable to obtain the large sums demanded, while the government was usually indifferent or dilatory. It was no unusual occurrence, especially in New England, for the minister to read in church pathetic letters written by American prisoners among the corsairs, praying that money might in some way be raised to release them from their torments.

Negotiations with the Barbary powers were early entered into by the United States. The experience of John Adams with the representative of Tripoli and the subsequent treaty with Morocco were noted in the preceding volume. In 1786, an American agent named John Lamb went to Algiers and vainly negotiated for the ransom of the prisoners taken the year before. In February, 1792, the senate voted in favor of paying an annual tribute of one hundred thousand dollars for peace with Algiers, Tunis, and Tripoli, and forty thousand dollars for the ransom of the captives. John Paul Jones was appointed consul at Algiers and envoy to treat for peace, but he died before his instructions reached him. Thomas Barclay, who had negotiated the treaty with Morocco was then intrusted with the mission, but he also died before he could reach his post. Then came the truce between Algiers and Tunis, and the Algerine dey refused to receive an American representative. The numerous captures of the following fall roused the American government to action and, aided by the threatening state of our relations with England, resulted in the creation of an American navy as already described. Before the new vessels were completed, however, treaties had been negotiated with Algiers, Tripoli, and Tunis, as related in the tenth chapter of this volume.

1785
1800
Diplomacy

January 19,
1793

The dey was so elated over his diplomatic success that he not unnaturally regarded the United States as a subject power. When the 24-gun frigate, "George Washington," arrived at Algiers, with the annual tribute, he forced Captain William Bainbridge, under threat of instant war, to make a voyage to Constantinople. Sorely against his will, Bainbridge went as he was sent carrying an "ambassador and suite, one hundred in number; also a hundred negro women and children, four horses, one hundred and fifty sheep, twenty-five horned cattle, four lions, four tigers, four antelopes, twelve parrots, and funds and regalia amounting to nearly a million dollars." Five times a day the Mussulman passengers prayed with their faces toward Mecca, and, as the ship tacked

The "George
Washington"
as an
Algerine
Packet

September,
1800

Commission Given to Thomas Barclay When He was Sent as Consul to Morocco,
Dated March 31, 1791

Handwritten text in French, likely a commission or appointment document, written in cursive script. The text is dense and covers most of the page.

COMMISSION GIVEN TO THOMAS BARCLAY WHEN HE WAS SENT AS CONSUL TO MOROCCO,
DATED MARCH 31, 1791

frequently, they were as often obliged to change their positions. "So scrupulous were they that they appointed one of their number to consult the compass at every change of the ship's course, in order to get the right direction. . . . On one occasion when the ship tacked, the seaman at the wheel reversed the points of the compass when the Mussulman committee of one came to get his spiritual bearings, and so made these devout Turks worship with their backs toward Mecca." Bainbridge arrived safely at Constantinople, discharged his humiliating trust, returned to Algiers, and, after evading treacherous attempts to seize his vessel, sailed for the United States.

Meanwhile, Tunis and Tripoli looked with envious eyes at the better bargain that Algiers had driven, and their discontent was made more difficult to bear by the growth of unprotected American commerce in the Mediterranean. In 1800, Yusuf, the pasha of Tripoli, began making exorbitant demands upon James L. Cathcart, now the American consul at that post. In February, 1801, he repudiated the existing treaty and offered as alternatives—war, or a new treaty, for which he was to be paid two hundred and fifty thousand dollars and an annual tribute of twenty thousand dollars. On the tenth of May, he cut down the flagstaff at the American consulate and thus declared war.

Tripoli
Declares War

Warning of coming hostilities had been transmitted to the United States by William Eaton, the American consul at Tunis. President Jefferson had long been opposed to the policy of paying tribute and resolved to make use of the navy that the Federalists had left ready to his hand. By his orders, a squadron of four vessels—the frigates "President," "Philadelphia," and "Essex," of forty-four, thirty-six, and thirty-two guns respectively, and the 12-gun schooner "Enterprise"—was put under command of Captain Richard Dale, John Paul Jones's first lieutenant in the "Serapis" fight, and ordered to the Mediterranean. If, upon his arrival, he found that any of the Barbary powers had declared war, he was instructed

Dale's
Squadron

May 20, 1801

1801 to distribute his force "so as best to protect our commerce and chastise their insolence—by sinking, burning, or destroying their ships and vessels wherever you shall find them." These orders precluded him from making prizes, for the president, in his tenderness for constitutional construction, thought that, in the absence of a declaration of war by congress, it would not be proper to "go beyond the line of defense." Such authorization was given by congress in the following February.

**The First
Engagement**

**August 1,
1801**

With part of his squadron, Dale put in at Algiers and Tunis and, at both places, "made a favorable impression." On the twenty-fourth of June, he appeared off Tripoli and found the pasha much disturbed and willing to make peace. He remained there for eighteen days, then cruised eastward, and sailed for Malta for water. The "Enterprise," Lieutenant Sterrett, had gone ahead and on the way fell in with a Tripolitan ship of fourteen guns and with a crew of eighty men. A fight of three hours followed. By superior maneuvering, Sterrett foiled all attempts of the enemy to board, repeatedly gained a raking position, and finally forced the enemy to surrender. In accordance with the general instructions already mentioned, the cannons and small arms were thrown overboard, the vessel was dismantled and sent as an empty hulk into Tripoli where her captain was mounted on a jackass, paraded through the streets, and bastinadoed. Of the pirate crew, twenty had been killed and thirty wounded; not an American had been injured.

**Morris and
Preble**

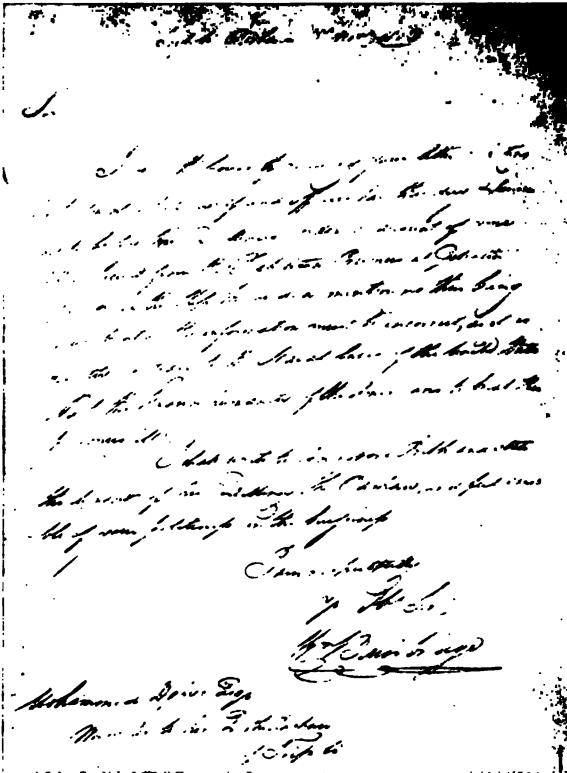
For some months, the squadron cruised in the Mediterranean, convoying merchant vessels and keeping up an intermittent blockade of Tripoli. Some of the vessels returned home, but the "Constellation," the "Chesapeake," the "Constitution," and others took their places. Dale himself sailed for America in March, 1802, and the chief command was given to Commodore Richard V. Morris. He found it impossible to maintain a continuous blockade and, in June, 1802, two corsairs captured an American brig off Cape Palos, carried her into Tunis, and took to Tripoli her crew of nine men five of whom,

not being Americans, were released. About the same 1802
time, the emperor of Morocco assumed a hostile attitude, 1803
while Algiers and Tunis indulged in threatening language.
In May, 1803, a Tripolitan vessel was captured and, in
June, another of twenty-two guns was blown up, but
nothing decisive was accomplished. In September,
Morris received his recall. After his arrival in the United
States, his conduct was referred to a court of inquiry.
The court found him "censurable for his inactive and
dilatatory conduct," and he was dismissed from the service.

April 13, 1804

In July, 1803, Commodore Edward Preble was sent out to take command. As the Americans had been handicapped by lack of small vessels that could pursue the enemy's gunboats into the shallow waters off the Tripolitan coast, steps were taken to build and to buy small gunboats for that purpose.

Upon his arrival at Gibraltar, Preble found it necessary



Letter of Bainbridge to Mohammed Dghies respecting
Treatment of Prisoners, dated November 15, 1803

1803 to overawe the emperor of Morocco by a display of force and sailed to Tangier with most of his squadron for that purpose. Meanwhile, the 36-gun frigate "Philadelphia," Captain Bainbridge, and the "Vixen" of twelve guns were sent to blockade Tripoli. On the thirty-first of October, while alone off the coast, the "Philadelphia" gave chase to a Tripolitan cruiser and ran upon an uncharted reef. The enemy's vessels swarmed out of the harbor and beset the helpless ship. Unable to make any effectual resistance, Bainbridge threw most of his guns overboard, flooded the magazine, and, after vainly endeavoring to scuttle the ship, hauled down his flag. The corsairs plundered officers and crew and took them to the city.

The Capture
of the
"Philadelphia"

The loss of the "Philadelphia" encouraged the pasha to renewed resistance and threw into his hands more than three hundred prisoners whom he could hold for ransom. In general, the officers were well treated, but the men were reduced to slavery, forced to work at trades and on the fortifications, sometimes bastinadoed, and at night locked up in a dismal prison. Two days after the disaster, a strong northerly wind so increased the depth of water over the ledge of rocks on which the "Philadelphia" lay that the corsairs were able to get her off, take her into the harbor, and anchor her under the guns of the pasha's castle. Her guns and anchors were fished up and soon the Tripolitans had the most formidable vessel that they ever had possessed.

Reinforcing
the
Tripolitan
Navy

The danger of leaving the frigate in the possession of the pirates was so great that Commodore Preble decided to make an effort to destroy her. To whom the credit of originating the idea is due is still a matter of dispute. Years afterward, a number of officers ascribed the credit to the young Lieutenant Stephen Decatur who, about this time, in the "Enterprise," captured the ketch "Mastico." At all events, Decatur was given charge of the undertaking. The plan was for Decatur to sail the "Mastico," now renamed the "Intrepid," boldly into the harbor, burn the "Philadelphia," and then sail out again. Lieutenant

A Bold Plan

THE

Charles Stewart with the brig "Siren" was to lie off the harbor and assist, particularly in covering the "Intrepid's" retreat.

On the night of the sixteenth of February, the little ketch, with a crew of seventy-five volunteers, sailed into the harbor of Tripoli. Combustibles in bundles were all ready and each man's particular duty had been carefully assigned. The vessel's rig favored the design and, further to prevent suspicion, the crew, excepting six or eight in Maltese dress, were kept concealed. When about one hundred yards from the "Philadelphia" they were hailed, but the Sicilian pilot answered that the ketch was a merchantman that had lost her anchors in a recent gale and begged permission to make fast to the frigate until morning. The request was granted and a boat from the "Philadelphia" assisted in bringing the vessels together. When the "Intrepid" was nearly in contact with the frigate, the suspicions of the enemy were aroused and the cry of "*Americanos!*" rang out. As Decatur and his men clambered up and over one side of the "Philadelphia," the panic-stricken Moslems made an abbreviated resistance and, with equal agility, passed over the other side, leaving a score of their dead and dying on the deck. In a few

Decatur
Executes It



Stephen Decatur

1804 minutes, the frigate was in flames from stem to stern. The Americans made their escape with difficulty and bent to their sweeps with cheers of triumph. The flames lighted up the harbor and to the booming serenade of the Tripolitan artillery was added the automatic action of the guns of the burning frigate. Only one shot, however, struck the "Intrepid" and Decatur's crew escaped with a loss of only one man slightly wounded. Admiral Nelson, then blockading Toulon, pronounced the feat "the most bold and daring act of the age." Decatur

February 19



Tripolitan Kris captured by Midshipman Frederick de Kraft, U. S. N., in hand-to-hand fight in boats at the time of the burning of the "Philadelphia"

soon rejoined Preble at Syracuse. When the news of his exploit reached America, congress voted him a sword and he was commissioned a captain, the youngest officer of that rank in the American navy.

The
Bombardment
of Tripoli

In the spring, Preble decided to attempt a bombardment. From the king of the Two Sicilies, who was at war with Tripoli, he secured a loan of six gunboats and two bomb-vessels and, in June, appeared off Tripoli. On the third of August, he ordered a general attack. While the "Constitution" and the smaller vessels fired upon the batteries, the shipping, and the town, and the bomb-vessels threw in bombs, the six gunboats, under lieutenants Richard Somers and Stephen Decatur, ran in and attacked the Tripolitan flotilla of nineteen gunboats and two galleys. Decatur, with three boats, one

of which was commanded by his brother, Lieutenant James Decatur, got right in among the enemy. Captain Decatur boarded a Tripolitan gunboat and, after a desperate fight with pistols, pikes, cutlasses, and axes, in which struggle sixteen of the pirate crew were killed and fifteen were wounded, captured her. Lieutenant Decatur also forced a boat to strike her flag, but, while he was stepping on board to take possession, he was treacherously shot and mortally wounded. According to some accounts, the Tripolitan boat then escaped; according to others, she was attacked by Captain Decatur, athirst to avenge his brother. At all events, Decatur boarded a second gunboat and engaged in another sanguinary struggle. He personally singled out the captain corsair, a man of great size and strength. In parrying a thrust of the corsair's boarding pike, Decatur broke his cutlass at the hilt. A second thrust wounded him in the arm, but Decatur grappled with his antagonist and threw him. The giant captain turned Decatur underneath and was about to finish the contest with a knife when Decatur drew a pistol from his pocket and shot him dead. After losing seventeen of their comrades, the seven surviving Tripolitans surrendered. Lieutenant Trippe



Stephen Decatur's Conflict with the Algerine at Tripoli, showing Reuben James interposing his Head to save the Life of his Commander
(After painting by Chappel)

1804 also captured a gun-boat and three others were sunk by the fire from the larger American vessels. Much damage



Cannon captured by Decatur at Tripoli, now at the U. S. Navy Yard, Washington. (Inscription on tablet reads: "On the third day of August 1804, Capt. Stephen Decatur in command of the American Gunboat off Tripoli, boarded and captured in succession two Tripolitan Gunboats armed with this and the adjacent gun")

was also inflicted upon the other shipping and on shore. Just before hauling off, Preble, in the "Constitution," "tacked ship and fired two broadsides in stays, which drove the Tripolitans out of the castle and brought down the steeple of a mosque." The total loss of the Americans was

one man killed and thirteen wounded.

Ill-fated
Heroism

Other attacks and bombardments followed, but the corsairs had received such a taste of Yankee fighting that, although famous for hand-to-hand work, they would not allow their antagonists to get within boarding distance. On the night of the fourth of September, Captain Richard Somers and Lieutenant Henry Wadsworth, with a crew of ten volunteers, undertook to carry the "Intrepid," now transformed into a fireship, among the enemy's shipping. The ketch was accompanied for some distance by the "Argus," the "Vixen," and the "Nautilus," which then stood by to pick up the boats as they came out. At the last moment, Lieutenant Joseph Israel of the "Constitution" went on board with a message and remained to share the danger and the glory. The "Intrepid" then sailed into the harbor and was fired upon by the batteries there. Suddenly, before the



Silhouette of Captain Richard Somers, being the only likeness of him extant

vessel had reached her objective point, there was a blinding flash, a terrific explosion, and into the air went masts, sails, rigging, and many shells, some of which burst in their flight. In the town were confused cries and the beating of drums, then the batteries ceased their fire and all was silence and darkness. Just what had happened can never be known. Perhaps the explosion was caused by a shot from the enemy, perhaps by an accident, perhaps Somers himself fired the magazine rather than to fall into the enemy's hands. Captain Bainbridge, who saw some of the shattered bodies, believed that the explosion was premature and that the enemy suffered no damage.

On the tenth of September, Commodore Samuel Barron arrived with the "President" and the "Constellation"

Preble Gives
Way to
Barron



Medal presented to Edward Preble by Congress

and assumed command. At first, Preble had not been popular with officers and men, but his ability had been quickly recognized and his departure was generally regretted. His squadron has justly been called the "training school for the struggle with the British navy a few years later; Preble was a great teacher, and they were worthy pupils." When Barron was sent out, the news of Preble's exploits had not reached the United States; upon his arrival, he was received with great

1803 distinction. Congress gave him a gold medal and a vote
 1804 of thanks, the first instance of the kind under the constitution. Barron did not display the activity that Preble had shown with a much weaker squadron. For this, the winter season and the state of Barron's health were in part responsible. In May, 1805, he turned the squadron over to Captain Rodgers who remained in command until peace was made.

Eaton's
Fruitful
Suggestion

William Eaton was a resourceful and energetic Connecticut Yankee who had served in the continental army and had subsequently been graduated by Dartmouth college. When the war with Tripoli began, he was consul at Tunis where he became acquainted with Hamet Karamanli, rightful pasha of Tripoli but dispossessed by his brother, Yusuf. Eaton early suggested to Secretary Madison that the United States should espouse Hamet's cause. From time to time, he renewed the suggestion and endeavored to interest United States naval officers in the plan. The naval officers gave him little encouragement, probably because he had offended them by his caustic comments on Bainbridge's humiliating voyage to Constantinople. Early in 1803, the dey ordered him to leave his dominions and Eaton returned to the United States. In 1804, he was appointed navy agent and placed under the orders of Commodore Barron to whom the secretary of the navy wrote: "With respect to the ex-pasha of Tripoli, we have no objection to your availing yourself of his coöperation with you against Tripoli. . . . In such an event you will, it is believed, find Mr. Eaton extremely useful to you."

May 26

June 6

Eaton's
Little Army

November 27

After various vicissitudes, Hamet had retired to Egypt, and, when Eaton, who had gained Barron's consent to the undertaking, arrived at Alexandria in the brig "Argus," Captain Isaac Hull, the exile had joined the rebellious Mamelukes, then besieged at Minieh one hundred and fifty miles or more up the Nile from Cairo. Eaton persuaded the Egyptian viceroy to grant Hamet a letter of amnesty and, after many strange happenings, the pretender was brought to Alexandria. There, the intrigues

of the French consul, who represented that the Americans were British spies, caused the Turkish officials to refuse leave to embark. Eaton, therefore, resolved to march overland to Dernah. A camp was formed west of Alexandria and the international army was organized at Arab's Tower, still further west. The army numbered in all about four hundred men, including Eaton as commander-in-chief, and nine other Americans, Hamet and his suite of ninety men, a party of Arab cavalry under two sheiks, forty Greeks, a German and an English officer. Eaton also had a caravan of camels and a few asses.

On the eighth of March, 1805, the little army began its journey of five or six hundred miles across the Libyan desert. For much of the way the route lay through a region inhabited by wild Arabs who never before had seen a Christian. The sea was often in sight, but fresh water was scarce and supplies were difficult to obtain. Time and again, the Arab cavalry deserted only to come back. Time after time, Moslems and Christians were almost ready to cut each other's throats. Only the courage and resolution of Eaton sustained the enterprise. At last, however, with forces swelled by accessions along the way, the expedition reached the Gulf of Bomba, a little east of Dernah, and there came in touch with the "Argus" and the "Hornet." On the twenty-fifth, the army encamped on a height overlooking Dernah.

Hamet had once been governor of this town and a large part of its population was friendly to him. On the twenty-sixth of April, Eaton sent in a summons to surrender, but the bey in command laconically replied: "My head or yours." An attack was made on the following day and, with the assistance of a bombardment from the "Hornet" and the "Argus," the town was captured. Some days later, a Tripolitan army appeared before the town and, on the thirteenth of May, made an assault that was repelled with difficulty. A similar attack was made on the tenth of June and with the same result.

Eaton always contended that with proper support he could have driven Yusuf from his dominions, but he did

1805

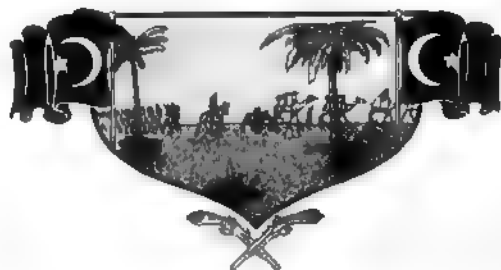
On the March

April 17

The Capture
of Dernah

A Treaty of
Peace

1805 not have an opportunity to make the attempt. In the preceding June, Colonel Tobias Lear, consul-general at Algiers, had been given authority to negotiate a peace and, late in May, 1805, he appeared off Tripoli. Rendered uneasy by blockades, bombardments, and, above all else, by the progress of his brother, Yusuf consented to abate somewhat his former extravagant demands. A more determined negotiator could probably have secured very favorable terms, but Lear had strongly opposed Eaton's project and was bent on immediate peace. On the fourth of June, a treaty was made, by the terms of which there was to be an exchange of prisoners; as the pasha held a surplus of about two hundred, Lear agreed that the United States should pay him sixty thousand dollars. The United States was also to withdraw its forces from Dernah, give no more supplies to Tripolitans in rebellion, and endeavor to persuade Hamet to withdraw. Yusuf then held in captivity Hamet's wife and children; these he was to restore to the husband and father, but a secret article that Lear never submitted to president or senate provided that the usurper should have four years in which to do so—conduct that was unpardonable in a diplomatic agent. The treaty was subsequently ratified by the United States, but the preponderance of opinion, then and now, has been and is that the conclusion of peace was hasty and ill-judged, that, in view of the force then in the Mediterranean, the payment of a ransom was unjustifiable, and that the American force should have been employed in further attacks upon Tripoli by water and in supporting Eaton and Hamet by land. Hamet and some of his followers were carried to Syracuse; his other followers were left to the tender mercies of Yusuf.





C H A P T E R X V I I I

T H E P U R C H A S E O F L O U I S I A N A

ALTHOUGH the territory of Louisiana was secretly ceded by Louis XV. to his "dear and beloved cousin, the King of Spain" in 1762, the province remained in French hands for some time thereafter. In March, 1766, Don Antonio Ulloa arrived at New Orleans with a number of officials and two companies of Spanish infantry to take possession of the colony. The inhabitants ardently petitioned Louis XV. not to surrender them to Spain and displayed such a spirit of hostility that the ceremony of transfer was postponed until the arrival of more Spanish troops. Meanwhile, the French inhabitants grew more and more averse to the new authority and formed a conspiracy to expel the Spaniards by force. The French governor endeavored in vain to calm the tumult and Ulloa was forced to sail down the Mississippi. In the following summer, Count Alexander O'Reilly, the Irish lieutenant-general of the armies of Spain, arrived with an overwhelming force and the creoles hastened to make their submission. Twelve of the conspirators were arrested, one was killed by his prison guards, five were executed, and others were confined in the castle at Havana.

Louisiana
Changes
Hands

November 1,
1768

November 25,
1769

The Spanish
Régime

1770-1777

Warned by this example, the people silently submitted to the Spanish rule. The rule of "Bloody O'Reilly" was capable, that of the mild and humane Unzaga was soothing; the material prosperity of the colony advanced, and there was a considerable immigration from Spain. In 1777, Don Bernardo de Galvez, the energetic son of

1 7 6 9 the viceroy of Mexico, became governor of Louisiana and,
1 8 0 3 like his predecessor, did everything in his power to recon-
cile the French population to Spanish rule. When Spain
went to war with England, he captured Fort Bute, Fort
Panmure (the modern Natchez), Mobile, Pensacola, and
other British posts, including Fort Saint Joseph in Mich-
igan. The administrations of subsequent Spanish gov-
ernors were less energetic and the official service became
honeycombed with corruption, but, when it came to an
end, the French creoles freely said: "We have no cause
of complaint against the Spanish government. We have
never groaned under the iron yoke of an oppressive
despotism."

Sugar and
Cotton

Under Spanish rule, Louisiana made considerable
progress in population and material prosperity. In 1769,
the population, including slaves, was about thirteen or
fourteen thousand; by 1799, it had increased to about
forty-two thousand. This rapid increase is partly ac-
counted for by the influx of fugitives from France at the
time of "The Terror" and from Santo Domingo at the
time of the uprising of the slaves. The cultivation of
sugar-cane had been begun as early as 1751, but, for a
long time, no successful method of crystallizing the sugar
was discovered and the cane was used almost wholly for
the distillation of spirits. About 1795, an enterprising
planter solved the problem and the sugar industry grew
with great rapidity. About the same year, cotton culture
was begun. In 1802, twenty thousand bales of cotton
were exported and forty-five thousand casks of sugar.
The total exports, exclusive of naval stores carried away
by government vessels, amounted to more than two mil-
lion dollars. The province continued, however, to be an
expense to Spain as it had to France and, each year, a
large sum was sent from Mexico to make good the deficit.

Seeking
Retrocession

Louisiana had hardly been ceded to Spain before French
statesmen began to plan for its recovery. The Spanish
monarch would have parted with his new domain for a
financial consideration, but there was little money in the
French treasury and the negotiations came to naught.

When her revolution was well under way, France had an intensified dream of a revived colonial empire and overtures for a retrocession were renewed only to fail again because of French inability or unwillingness to pay the price demanded. Two years later, negotiations were again renewed and Carlos IV., king of Spain, was offered a bribe in the shape of a promise to unite to the duchy of Parma three populous districts that had been recently wrung from the pope, to dethrone the reigning duke, and to give the whole to the duke's son, the son-in-law of the Spanish king. The offer was tempting, but Don Carlos was a devout Catholic and could not take territory that was claimed by the pope.

About this time, there appeared upon the stage two remarkable Frenchmen, both of whom were strongly imbued with the idea of building up a new French colonial empire. In July, 1797, the subtle but unprincipled Talleyrand became minister of foreign affairs, and, by the *coup d'état* of the eighteenth Brumaire, Napoleon Bonaparte became first consul and the real ruler of France. Talleyrand had spent a year in the United States and his observations there had convinced him that only by Spain's surrendering Louisiana to a virile power like France could the growth of another great English nation in the New World be prevented. In May, 1798, he sent a messenger to Madrid with instructions to obtain the cession of the Floridas and Louisiana. Again the attempt failed and, for a time, largely owing to the X, Y, Z disclosures, Talleyrand was out of office. As soon, however, as Bonaparte felt that it was good policy to do so, he restored him to power, one consideration doubtless being Talleyrand's well-known sympathy with the policy of colonial revival. Santo Domingo and other French possessions in the West Indies would serve as the nucleus of a new French empire beyond the seas.

In July, 1800, six weeks after his victory over the Austrians at Marengo, Bonaparte ordered Talleyrand to instruct the French minister at Madrid to negotiate a treaty for the cession of Louisiana. The compensation

The Dream
of Another
New France

November 9,
1799

France
Regains
Louisiana

1800 offered was the aggrandizement of the duchy of Parma
 1801 as proposed three years before. The Spanish queen was won over by the prospect of an increase of her daughter's titles and dominions; Spain was in no condition to resist a request that was in reality a demand; and, this time, Don Carlos consented to the exchange. On the first of October, 1800, representatives of the two powers signed the treaty of San Ildefonso whereby Louisiana was given back to France.

Yesterday
 and Today

On the previous day, as related in the twelfth chapter of this volume, Joseph Bonaparte and the American commissioner had signed the treaty that was intended to settle the differences between France and the United States. The treaty of San Ildefonso undid the work of the Morfontaine treaty and was equivalent to a rupture of the relations established twenty-four hours earlier. It was evident that the possession of Louisiana by an energetic power like France was incompatible with American interests and dangerous to the peace and safety of the United States. One of the arguments used with the Spanish court in procuring the cession had been that it would tend to restrain "the progress of the power and population of America" and to prevent a future union of England and the United States for the conquest of the Spanish colonies. The secret of the second treaty was well kept and not until after Jefferson's inauguration did rumors worthy of official notice reach the United States. On the twenty-sixth of May, 1801, Jefferson wrote to Monroe that there was "considerable reason to apprehend that Spain cedes Louisiana and the Floridas to France" and characterized the step as unwise for France and Spain and "very ominous to us."

Louverture
 and Santo
 Domingo

Fortunately for the United States, the execution of the treaty moved slowly. In 1791, the negroes of Santo Domingo had risen against their masters; under Touissant Louverture, a black edition of Napoleon Bonaparte, they now bade defiance to the first consul. Naturally, the first step in rebuilding French power in America was the restoration of French authority in this island. In the

month following the signing of the peace of Amiens, 1 8 0 1
 General Leclerc, Bonaparte's brother-in-law, sailed from 1 8 0 2
 Brest with ten thousand troops to accomplish that result.
 Touissant was treacherously made prisoner and sent to
 France where he died in April, 1803. But the negroes
 kept up a guerilla warfare, aided by a grim ally—the
 yellow fever. In September, 1802, Leclerc wrote that,
 of the twenty-eight thousand men who had been sent out,
 only one-seventh remained fit for duty. In November,
 Leclerc himself "followed his legions into the sepulcher,
 and the cause of the French became hopeless." These
 disasters prevented General Victor, who had been selected
 to take possession of Louisiana, from leaving France.

The occupancy of Louisiana was further hindered by
 Spain's reluctance to ratify the treaty. Godoy, minister
 of foreign affairs in fact though not in name, threw
 obstacles in the way and proved a worthy opponent of
 the first consul. Lucien Bonaparte negotiated a new
 treaty providing for the creation of the kingdom of Etruria
 for Don Carlos's son-in-law and for the immediate ces-
 sion of Louisiana, but Godoy induced the king to withhold
 his signature which alone could make it valid. When, on
 the fifteenth of October, 1802, Don Carlos yielded, he
 exacted two definite conditions. One of these was that
 Austria, England, and the dethroned grand duke of
 Parma should recognize the king of Etruria; the other
 was that France should pledge herself not to alienate
 Louisiana and to restore it to Spain in case his son-in-law
 should lose his possessions. In the name of the first
 consul, Talleyrand solemnly promised both these things
 and the French minister to Spain signed a written pledge
 to that effect.

Spanish
 Conditions
 and French
 Promises

March 21,
 1801

To Robert R. Livingston, the new minister to France,
 Talleyrand denied that there had been any retrocession,
 although he admitted that "it had been a subject of
 conversation." About the same time, Rufus King sent
 to Washington a copy of the unratified agreement and
 word came that Leclerc was seizing American property
 in Santo Domingo, that he was stigmatizing Americans

Dissimulation

1802 as "the scum of nations," and that he had expelled the American consul from the island. Livingston also reported "cavalier treatment" in France. Secretary Madison had already written to our ministers at London, Paris, and Madrid, setting forth in mild terms that it was almost universally felt in America that it would be contrary to American interests for Louisiana again to fall into French hands. As events developed and the duplicity of France became more evident, even Madison grew belligerent and, in a letter to Livingston, said that the cession was "daily more and more a source of painful apprehensions," and that "if a possession of the mouth of the Mississippi is to be added to other causes of discord, the worst events are to be apprehended."

May 1

Jefferson
Aroused

April 25

April 18

Jefferson was slowly roused to the necessity of vigorous opposition to the policy of the first consul. Dupont de Nemours, a French gentleman, was about to return to France and Jefferson resolved to use him as a medium of unofficial communication with Bonaparte. He wrote a letter to Dupont and inclosed therewith a letter to Livingston which the Frenchman was to read and then to seal. In the letter to Dupont, the president declared that he believed that, if France should take possession of Louisiana, the step would "cost France, and perhaps not very long hence, a war which will annihilate her on the ocean, and place that element under the despotism of two nations,— which I am not reconciled to the more because my own would be one of them." The letter to Livingston expressed even more vigorously the seriousness of the situation: "The session of Louisiana and the Floridas by Spain to France works most sorely on the U. S. . . . It completely reverses all the political relations of the U. S. and will form a new epoch in our political course. . . . There is on the globe one single spot, the possessor of which is our natural and habitual enemy. . . . The day that France takes possession of N. Orleans fixes the sentence which is to restrain her forever within her low water mark. It seals the union of two nations who in conjunction can maintain exclusive possession of the

ocean. From that moment we must marry ourselves to the British fleet and nation." In October, he wrote to Livingston that "we stand, compleatly corrected of the error, that either the government or the nation of France has any remains of friendship for us." 1 8 0 2

For a time, Dupont's representations had no effect upon the first consul. The news from Santo Domingo was momentarily bright; one obstacle to the occupation of Louisiana had been removed. Bonaparte, therefore, continued to press upon Spain the cession of the Floridas and to demand possession of Louisiana. The summer of 1802 was a period of anxiety in the United States, but, in November, came news that the Spanish authorities had withdrawn the right of deposit granted by the treaty of 1795. The West, regarding the closure as a French act and a foretaste of French administration, was eager for war; all over the country there was much excitement. "The Federalists, overjoyed at this outflare on the part of Jefferson's sturdy western supporters, sought, by making the most frantic appeals for instant war, to compel the president to take some rash and ill-considered step or lose the aid of the Democrats of Kentucky and Tennessee." Spain
Withdraws
the Right of
Deposit

It really looked as though Jefferson would have to make his choice between the horns of his dilemma; never did his "foxlike discretion" stand him in better stead. In October, he wrote to Livingston that there was no pending matter "important enough to risk a breach of peace; peace being indeed the most important of all things for us, except the preserving an erect & independent attitude." Instead, therefore, of following public clamor, he carefully set himself at work to formulate a policy. This policy included three ideas: to calm the public excitement, to regain the right of deposit, and to take advantage of every opportunity to secure possession of New Orleans and the Gulf coast for the United States. Time was an important element in his calculations. He foresaw that a renewal of the war between England and France was inevitable and believed that, if Diplomacy
and Politics

I 8 0 2 the people would allow him to "palliate and endure"
 I 8 0 3 until it came, all would be well.

Monroe is
 Sent to
 France

December 15,
 1802

In his message to congress, the president refrained from discussing at any length the topic that was uppermost in men's minds, merely remarking that "The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the legislature connected with that subject." Quietly, however, the president was at work. On the eleventh of January, 1803, General Smith of Maryland, in a secret session of the house, moved to appropriate two million dollars "to defray any expenses which may be incurred in relation to the intercourse between the United States and foreign nations." A committee reported in favor of appropriating the money for the purchase of West Florida and New Orleans, and a bill along those lines passed both houses. On the same day that Smith made his motion, Jefferson sent to the senate the name of James Monroe as special envoy to assist Livingston at Paris and Pinckney at Madrid in "enlarging and more effectually securing our rights and interests in the river Mississippi and in the territories eastward thereof." Despite some Federalist opposition, the nomination was confirmed.

January 12
 Jefferson's
 Appeal

In letters to Monroe, Jefferson set forth the necessity of the mission and appealed to his friend not to refuse it. There was danger that the Westerners and the Federalists might force a war and Monroe, who was the only man who could command the confidence of the West, must make a "temporary sacrifice" of himself "to prevent this greatest of evils in the prosperous tide of our affairs." "The agitation of the public mind on the occasion of the late suspension of our right of deposit at N. Orleans is extreme. In the western country it is natural and grounded on honest motives. In the seaports it proceeds from a desire for war which increases the mercantile lottery; in the federalists, generally, and especially those

of Congress, the object is to force us into war if possible. 1 8 0 3

All eyes, all hopes, are now fixed on you; and were you to decline, the chagrin would be universal, and would shake under your feet the high ground on which you stand with the public. Indeed I know nothing which would produce such a shock, for on the event of this mission depends the future destinies of this republic."

The instructions contemplated for Monroe and Livingston provided for three contingencies: (1) If Bonaparte would sell, they were authorized to buy New Orleans and the Floridas, offering therefor any sum not exceeding ten million dollars, making commercial concessions for ten years, and guaranteeing the west bank of the Mississippi to France. (2) If Bonaparte would not sell, a renewal of the right of deposit was to be secured on the most favorable terms possible. (3) If even this was refused, the president was to be informed of the fact and he would then issue special instructions—probably an order for Monroe to cross the channel and to negotiate a treaty of alliance with England. The United States was poor and badly in debt and apparently had little need for more unsettled territory. What the president desired was possession of the mouth of the Mississippi as an outlet for the clamorous and growing West; he did not for a moment contemplate the purchase of Louisiana. In a letter to Dupont de Nemours, urging him to further exertions, Jefferson described the territory desired as merely "a barren sand 600. miles from east to west, & from 30. to 40. & 50. miles from north to south, formed by deposition of the sands by the Gulf Stream in its circular course round the Mexican Gulf."

The
Jeffersonian
Scheme

March 2

February 1

Meanwhile, events were conspiring to render the negotiations successful beyond the president's wildest dreams. The news that came from Santo Domingo to France made it more evident each day that the conquest of the island would be expensive and inglorious. Pichon, the French chargé d'affaires at Washington, adroitly worked upon by Madison and Jefferson and impressed by the sentiment of the American people, was sending to Talleyrand "cry

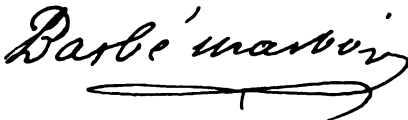
The Play's
the Thing

1803 after cry of distress" and declaring that the United States was about to throw herself into the arms of Britain. With his accustomed shiftiness, Bonaparte determined to face about and to seek his further glory in Europe. A good opportunity was not long wanting. The treaty of Amiens had never been more than an armed truce and England had violated it by persistently refusing to give up Malta to the knights of Saint John. On the twentieth of February, 1803, Bonaparte sent to the corps législatif a message that referred to England in tones so bitter that it was at once suspected that he meant to renew the war.

March 12 Three weeks later, he followed with the famous scene in Madame Bonaparte's drawing-room, in which he theatrically declared to the English ambassador: "I must either have Malta or war!" Hostilities then became inevitable. The curtain had risen on the first scene of the play that was to lead by way of Austerlitz, Jena, Moscow, and Waterloo to Saint Helena.

A Napoleonic
Renunciation

Without Santo Domingo, Louisiana would be of little value to France and, in the approaching struggle, Louisiana would probably fall a prey to England or to the United States. If by selling Louisiana, the first consul could obtain money for the war and prevent an alliance between the two English speaking nations, it was worth while for him to try it. Regardless, therefore, of his solemn pledge not to alienate the province, he elaborated a plan for getting rid of it. To lose Louisiana gracefully,



Autograph of Barbé Marbois

and without losing it to England, was the new Napoleonic policy. "I renounce Louisiana," he said to Marbois, the

April 11

minister of finance. "It is not only New Orleans that I cede, it is the whole colony, without reserve; . . . to attempt obstinately to retain it would be folly. I direct you to negotiate the affair." He set the price at fifty million francs but later raised it to one hundred million.

Tantalizing
Audacity

For months, Livingston had been vainly trying to buy New Orleans and the Floridas. On the day that Mar-

bois received his commission, Talleyrand casually inquired whether the United States would care to purchase all of Louisiana. Livingston was almost stricken dumb; "he had asked for a mere crumb and been tendered the whole loaf." He

quickly realized that it would be a fine feather in his cap if he could complete the transaction before Monroe's arrival. "But the foreign minister was not of the sort to make a bargain so readily."

As soon as he perceived Livingston's sudden anxiety he assumed the most tantalizing indifference on the whole subject. He knew nothing, had heard nothing, had said nothing, could promise nothing." On the following day, he denied that a treaty of retrocession had been made! "He told me," says Livingston, "he would answer my

note, but that he must do it evasively, because Louisiana was not theirs. I smiled at this assertion, and told him that I had seen the treaty recognizing it. . . . He still persisted that they had it in contemplation to obtain it, but had it not."

On that day, the twelfth of April, Monroe reached Paris. On the morning of the thirteenth, he and Livingston spent some time arranging their papers and planning the negotiations. In the afternoon, Livingston entertained Monroe and other guests at dinner. While the meal was in progress, Livingston perceived Marbois walking in an outer garden and at once sent to invite



Robert R. Livingston

1803
April 11

Marbois and
the Price

1803 him in. Over the coffee, Livingston told Marbois of his recent interview with Talleyrand and, in a rather guarded way, Marbois informed Livingston that he had some information as to the first consul's plans regarding the province and that, if Livingston would call at his residence that evening, he might learn something of interest. Livingston did call and, in the midnight interview that

A Convention between the French republic and the United States of America

The first consul of the French republic in the name of the French people, and the President of the United States of America, having by alternate bearing done on this day terminated all differences relative to Louisiana and established on solid foundations the friendship which unites the two nations, and wishing in conformity with the wishes of the 2^d and 5th articles of the convention of the 30th March 1800, to secure the payment of the sums due by France to the citizens of the United States, have respectively nominated as plenipotentiaries, that is to say, the first consul in the name of the French people, the citizen Pierre M. Marbois, minister of the public treasury and the President of the United States by the said the advice and consent of their Senate, Messrs. Livingston, minister plenipotentiary of the United States and James Monroe, minister plenipotentiary and Envoy extraordinary of the said States near the government of the French republic, who after having exchanged their full powers have agreed to the following articles.

Art. 1.

The debts due by France to citizens of the United States contracted before the 30th March 1800 year of the French republic shall be paid in the following manner with interest at five per cent. to be removed from the period when the said debts were presented in order to the government of France.

The debts provided for in this

Monroe's Draft of Convention respecting Payment of French Debts to United States Citizens

followed, the first definite proposition for the sale of Louisiana was made. The price set by Marbois was about one hundred and twenty-five million francs, of which one-fifth was to be paid to Americans having claims against France. Livingston demurred at the price and pointed to the fact that he and his colleague merely had authority to purchase New Orleans and the Floridas. Marbois then lowered his price to eighty million francs, including claims,

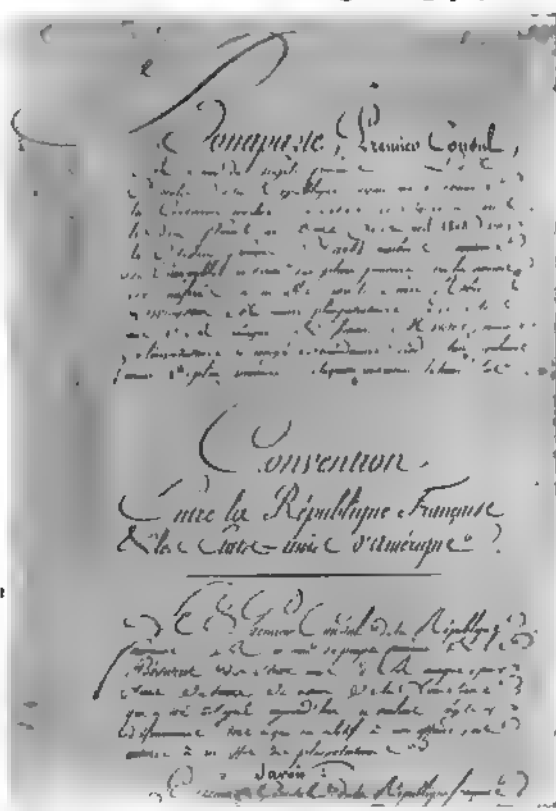
but again Livingston protested that the United States did not wish to buy territory beyond the Mississippi.

The American envoys soon decided to assume the responsibility of going beyond their instructions, but they



risked a withdrawal of the offer in an effort to reduce the price. This delay was dangerous, for the sale was unpopular in France, Lucien and Joseph Bonaparte were opposing it, and any one of a score of contingencies might have arisen to cause Napoleon to change his mind. On the second of May, however, an agreement was reached, a treaty of cession and a convention regarding payment were signed, and both antedated to the thirtieth of April. Another convention, regarding American claims, was signed a week later and similarly antedated. The treaty and the conventions provided that France should transfer Louisiana to the United States and receive in return sixty million francs direct, while

American claims, definitely fixed at twenty million francs, should be assumed by the United States. Thus the total purchase price was eighty million francs, or about fifteen million dollars. The inhabitants of the ceded territory were to "be incorporated into the Union of the United



First Page of the Treaty of Cession of Louisiana
(in French)

1803 States, and admitted as soon as possible, according to the principles of the Federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." For twelve years, French and Spanish vessels coming directly from home or from colonial ports and loaded only with home or colonial products were to enter the ports of Louisiana on the same terms as vessels of the United States coming from the same ports, and French ships were always to be admitted on the footing of the most favored nation.

What We
Bought



Talleyrand

Upon the subject of boundaries the treaty was very indefinite. When Livingston asked Talleyrand as to the eastern boundary, the minister said that he did not know, that the United States must take the territory as France received it from Spain. When pressed as to what France had received from Spain, he replied that he did not know. "You have made a noble bargain for yourselves, and I suppose you will make the most of it." Bonaparte himself told Marbois that the Americans were to be left in the dark in the matter: "If an obscurity did not already exist, it would perhaps be good policy to put one there." The treaty itself merely copied the vague words of the treaty of Ildefonso: "Louisiana with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other States." The cession did not include the Floridas, for these had not been ceded to France by Spain, though there was room for doubt as to whether the eastern line should be the Perdido or that of the Iberville and lakes Maurepas and Pontchartrain. On the strength of La Salle's

attempted settlement, some thought that Texas to the Rio Grande was included, but this view did not prevail and, in 1819, the United States accepted the Sabine River as the western boundary. Contrary to a claim long insisted upon, the Oregon country was not included in the cession as France, prior to 1763, had not regarded her claims as reaching beyond the head-waters of the tributaries of the Mississippi. But, even shorn of all doubtful claims, the area acquired was imperial in size (about 875,025 square miles), almost equal to the previous total area of the United States, seven times as large as Great Britain and Ireland, and more than four times as large as the present German empire. The cession has been aptly characterized as "probably the largest transaction in real estate which the world has ever known."

After he had set his name to the treaty, Livingston exclaimed: "We have lived long, but this is the noblest work of our lives. . . . The treaty we have signed has not been brought about by *finesse* nor dictated by force. Equally advantageous to both the contracting parties, it will change vast solitudes into a flourishing country. Today the United States take their place among the powers of the first rank." Bonaparte was also pleased. "Sixty millions for an occupation that will not perhaps last a day!" he cried. "The sale assures forever the power of the United States, and I have given England a rival who, sooner or later, will humble her pride."

A Noble
Work

Meanwhile, the people of the United States had patiently awaited the outcome of the negotiations. In April, came news that the Spanish king had ordered the restoration of the right of deposit. On the thirtieth of June, came the greater news of the purchase of Louisiana. Jefferson was astonished and embarrassed. Instead of a river's mouth, one town, and a stretch of almost barren sand, he was tendered an area almost doubling that of the United States. His perplexity was increased by the fact that, as a strict constructionist, he doubted the constitutional authority of the government to purchase territory,

A
Constitutional
Difficulty

1803 and he well knew that the Federalists would take advantage of every false step. Nevertheless, he decided that the treaty must be ratified and the necessary appropriation made; a constitutional amendment could then be adopted legalizing the step. No amendment, however, that he was able to devise gained the approval of the cabinet and political friends advised him that the treaty-making power or the power to admit new states covered the case. Affairs in Europe had assumed such an aspect that to raise constitutional difficulties might be to hazard

the success of the treaty; in his message to the special session of congress called to consider the subject, he said not a word as to an amendment.

When news of the treaty got abroad, the Federalist outcry was all that Jefferson had anticipated. Here, thought they, was "the shoal upon which the Jeffersonian party might be stranded."

Professor

McMaster has admirably summarized the arguments of the obstructionists. The purchase was unconstitutional. The influx of population into the new country would depopulate

October 17

A Loud Noise

Amendment to the Constitution of the United States
The Province of Louisiana, is incorporated with the United States
The rights of occupancy on the soil, & of self government
are confirmed to the Indian inhabitants as they now exist
only of the portions rightfully occupied by them, and a survey of the
occupancy & make as they may abandon with the full title of perfect title
as well as of property & sovereignty in whatever is not rightfully occu-
pied by them, or shall come to be so, shall belong to the U.S.
The Legislature of the Union shall have authority
to exchange the rights of occupancy & portions thereof the U.S. have full right
for lands possessed by Indians within the U.S. on the East side of the River
to exchange lands on the East side of the river for those of the U.S. which
lands on the West side thereof & North of the latitude of 36° 30' N.
to maintain in any part of the river or such necessary public as may be
required for peace & safety.
to exercise or police over all persons therein not being Indian inhabitants
to open all springs or mines of coal, metals & other minerals within the
limits of the U.S. & to use them with the consent of the perfect title
to regulate trade & intercourse between the Indian inhabitants & all other persons
to explore & ascertain the topography of the river, its productions and other
interesting circumstances
to open roads & navigation thereon & have authority for beneficial communication
and to establish agencies & factories thereon for the subvention of Commerce, peace
and good understanding with the Indians residing there.
The Legislature shall have no authority to dispose of the lands of the
provinces & the area there is herein before permitted until a new amendment
of the constitution shall give that authority.
Except, as to that portion thereof which lies South of the latitude of
36° 30' N. which, whenever they deem expedient they may erect into a territory
which government either separate or as making part with one on the
Eastern side of the river, vesting the inhabitants with all the rights prop-
erty & jurisdiction of the U.S.

Draft of Proposed Amendment to United States Constitution
Arent the Louisiana Purchase

admirably summarized the arguments of the obstructionists. The purchase was unconstitutional. The influx of population into the new country would depopulate

the East. A rival state would be set up in the new territory. The price paid for the wilderness was enormous. Ferdinando Gorges had received only twelve hundred and fifty pounds for Maine. William Penn had paid only a trifle more than five thousand pounds for Pennsylvania. Fifteen millions of dollars! The mind could scarce conceive the magnitude of such a sum. It would amount to four hundred and thirty-eight tons of solid silver. It would load a train of wagons more than five miles long. It would pay an army of twenty-five thousand men forty shillings a week for twenty-five years. All the gold and silver coin in the United States would not amount to such a sum. Invest the principal as a school fund, and the interest would support eighteen hundred free schools forever. For whose benefit was the purchase made? For the South and West, but they would not pay a share of the cost, for the tax on whiskey had been removed. Even after the purchase had long been consummated, "the New England Federalists, with an obliquity of vision, peculiar to themselves, hinted that this transaction was a mask to hide the payment of tribute to France!"

But the country at large refused to be frightened by the bogies thus conjured up. Within four days, the senate ratified the treaty by a vote of twenty-four to seven, while the house declared itself in favor of the purchase by a vote of ninety to twenty-five. The decision caused great dissatisfaction in New England, but elsewhere it was seen that a splendid bargain had been made. On the thirty-first, a bill establishing a provisional government for the new territory became a law. Although it "was a temporary measure rather for taking possession of the territory than for governing it," it merited the description later given to it by Senator Thomas H. Benton: "It was a startling Bill, continuing the existing Spanish government; putting the President in the place of the King of Spain. . . . Nothing could be more incompatible with our Constitution than such a government."

Louisiana
Legislation
October 20

October 31

1 8 0 3 The news of the cession of Louisiana by Spain to
 1 8 0 4 France caused great rejoicing among the French creoles.
 Taking When the French prefect reached New Orleans, he was
 Possession received with wild enthusiasm, though fears that the new
 March 26, régime might abolish slavery soon produced a reaction in
 1803 feeling. On the tenth of April, the marquis de Casa
 Calvo arrived from Havana to act with the governor,
 Salcedo, in making the formal transfer, but General
 Victor who had been appointed to receive it did not sail
 and the ceremony was delayed. In the early summer,
 rumors reached New Orleans of the sale to the United
 States, but they were not believed. "Like thunder out
 of a clear sky," came a letter from Bonaparte ordering
 the French prefect to receive the colony from the Spanish
 authorities and then to deliver it to the Americans. On
 the thirtieth of November, the first transfer was made
 amid much pomp and circumstance. Seventeen days
 later, the American commissioners, William C. C. Claiborne,
 the governor of Mississippi Territory, and James
 Wilkinson, the commanding general of the army, arrived
 with a few troops and encamped two miles outside the
 city. On the twentieth of December, in the presence of
 a picturesque throng that filled the Place d'Armes, now
 Jackson Square, Claiborne received the formal transfer
 of the province. The stars and stripes replaced the
 tricolor upon the flagstaff in the Place d'Armes. With
 one year's interval, it has waved over the Crescent City
 ever since.

The Territory The province that France had sold in 1803 was divided
 of Orleans early in 1804. By congressional action, the purchased
 March 26, country south of the thirty-third parallel was organized
 1804 as the territory of Orleans, while the territory north of
 that line was designated as the district of Louisiana.
 The bill settled the principle upon which the new domain
 was to be governed; it created for Orleans "a territorial
 government in which the people of Louisiana were to
 have no share. The governor and secretary were to be
 appointed by the President for three years; the legislative
 council consisted of thirteen members to be appointed by



VIEW OF THE CITY OF NEW ORLEANS, SHOWING AN AMERICAN MAN-OF-WAR
TAKING CHARGE OF THE CITY

(From a colored print, made in 1863, in collection of Mr. T. P. Thompson of New Orleans)

the President without consulting the Senate, and was to be convened and prorogued by the governor as he might think proper. The judicial officers, also appointed by the President, were to hold office for four years, instead of the usual term of good behavior." A strange measure for Thomas Jefferson to father and for a Jeffersonian congress to adopt! William C. C. Claiborne, who had been appointed governor of Mississippi Territory in 1802, was made governor and held that office until, in 1812, the territory of Orleans became the state of Louisiana.

The congressional act of the twenty-sixth of March, 1804, left the district of Louisiana temporarily subject to the territorial government of Indiana; the district was not made a part of Indiana or a dependency thereof, the provision being merely that the governor, judges, and secretary of Indiana should make laws for the district and administer its affairs. The district government was inaugurated in October, but the white settlers, dissatisfied with the arrangement, petitioned for the erection of the district into a territory of the second grade. By an act of congress, the president was empowered to appoint a governor and three judges to govern Louisiana Territory and to act together as a territorial legislature. James Wilkinson, who, since Wayne's death in 1796, had been the commanding general of the army, was appointed the territorial governor.

The Territory
of Louisiana

March 3,
1805

Some men told tales of the resources of the new country, and some seers saw visions of the greatness that the purchase would surely bring, but they all fell far short of the reality. From whatever point of view it is regarded, the purchase of Louisiana stands among the most important events in American history. "It made the acquisition of Florida a necessity. It brought about the annexation of Texas, the Mexican War, the thirst for more slave territory to preserve the balance of power, the Civil War, and the abolition of slavery. It led to our Pacific coast possessions, the construction of the transcontinental lines of railway and our marvelous Rocky Mountain development, the demand for the Isthmus Canal, the

The Fruitful
Germ

1805 purchase of Alaska, the annexation of Hawaii. It opened up to us the great field of commercial development beyond the Pacific, in Japan, China, and the islands of the sea. It fixed our destiny as a great world power, the effects of which we are today just beginning to realize."





CHAPTER XIX

EXPLORING THE NEW DOMAIN

AS early as 1783, Thomas Jefferson proposed to George Rogers Clark that he lead an expedition "for exploring the country from the Mississippi to California," but nothing came of it. In 1792, he proposed to the American Philosophical Society, of which he was then vice-president, that it should set on foot a subscription to send some competent person to explore the far Northwest "by ascending the Missouri, crossing the Stony Mountains, and descending the nearest river to the Pacific." Captain Meriwether Lewis, a nineteen-year-old Virginian, sought the position but André Michaux, a French botanist then in America, was engaged. Michaux, however, became entangled in Citizen Genet's abortive scheme for an invasion of Louisiana and the exploring plan came to nothing.

Jefferson's
Interest in
Western
Exploration



Meriwether Lewis, by Saint Memin

Early in 1803, the act for establishing trading houses Plan

1803 among the Indian tribes being about to expire, Jefferson sent a message to congress, recommending some changes and an extension of trade among the Indians along the Missouri River. To prepare the way for such a trade, he proposed to send an exploring expedition to trace the river to its source and perhaps to cross the highlands "even to the Western Ocean." The task was to be performed by soldiers from the army, who, in addition to their ordinary pay, should receive a bonus of land. Twenty-five hundred dollars, "for the purpose of extending the external commerce of the United States," were to be spent in buying scientific instruments and presents for the Indians. Congress approved the plan and voted the appropriation. At this time, Louisiana was still in the hands of Spain, the excitement over the withdrawal of the right of deposit was at its height, and Monroe had just been nominated as special envoy to France. What



William Clark
(From original painting in Independence
Hall, Philadelphia)

Leader

As commander of the expedition, Jefferson appointed

the president proposed, therefore, was to send a detachment of the United States army into the territory of a friendly power. "The Louisiana purchase came in the nick of time to save Jefferson from violating the code of international ethics. Whether the expedition was planned partly with a view to possible seizure of the country cannot be stated; the conjunction of dates is remarkable."



Captain Lewis who was then his private secretary. Lewis had not been regularly educated but he had "a great mass of accurate observation on all the subjects of nature," was firm, persevering, careful, habituated to the hunting life, and well acquainted with the Indians. To familiarize himself with the technical language of the natural sciences and the making of the necessary astronomical observations, he went to Philadelphia and placed himself under the instruction of distinguished professors there. As one who would be capable to take command in case of accident to himself, Lewis chose Captain William Clark, the younger brother of General George Rogers Clark. Though four years Lewis's senior, Clark was not yet thirty-two years of age, but he had had much experience in Indian fighting and seems to have possessed in large degree the able qualities of his older brother.

The explorers had planned to spend the winter at La Charette, a French settlement of seven cabins and the most remote establishment of white men on the Missouri, but the Spanish commandant at Saint Louis had not yet received official information of the transfer of Louisiana to the United States and the camp was established on the eastern bank of the Mississippi. Here the winter was spent in disciplining the men and in making the necessary preparations for an early departure in the spring. When all was in readiness, the exploring party consisted of Lewis and Clark, nine young men from Kentucky, fourteen regular soldiers who had volunteered, two French voyageurs, an interpreter and hunter, and Clark's negro servant, York; seven other soldiers and nine watermen were to accompany the expedition as far as the Mandan towns and assist in repelling attacks and in transporting the baggage. A keel-boat fifty-five feet long and mounting a swivel-gun, and two "perogues" were to carry men and impedimenta, and two horses were to be led along the bank for use in hunting and bringing in game.

On the fourteenth of May, 1804, the little expedition began its journey—a journey so uncertain that the American consuls in Java, the Isles de France and Bourbon,

1803

Preparation

December

Under Way

1804 and the Cape of Good Hope were instructed to render the expedition assistance should it come their way. Up the muddy, turbulent Missouri, swollen by the spring rains, they made their slow way. On the twenty-fifth, they stopped for the night at La Charette. From time to time, they met fur traders returning with the product of their winter's barter. They passed the mouths of the Kansas and the Platte and entered the country of the Oto, Pawnee, and Omaha. Most of the Indians were far away hunting buffalo, but messengers succeeded in finding a few and a council was held at a place that they called "Council Bluff," somewhere near the site of the present city of similar name, probably on the west bank of the Missouri above Omaha. The red men were informed of the transfer of the country to the United States and were given flags, medals, and other presents sent by the "Great Father" at Washington. The air-gun, too, was fired and astonished them greatly.

August 3

A Good
Beginning

August 23

August 20

In the Sioux
Country

Almost from the beginning, deer, wild turkeys, geese, bears, and other game were abundant on land, while the muddy water of the river swarmed with catfish and other finny denizens. The hunters brought in a plentiful supply of meat, some of which was "jurked" for future use by being dried in the sun. The first buffaloes (bison) were seen near the mouth of the Kansas and the first one was killed some distance above the mouth of the Sioux. Less welcome were the pestiferous "moschetoos" that swarmed about the explorers and sang their war-songs in the gloom of night. As the season advanced, many delicious wild fruits, such as plums, raspberries, wild apples, mulberries, and wild grapes were found. Although life was thus worth living, one man deserted and another died.

The explorers now entered the country of the Yankton Sioux who received them well and, as a mark of great respect, gave to two men who visited one of their villages "a Fat Dog," well cooked; of this, "they partook hartily, and thought it good & well flavored." At a grand council, held at the end of August, the usual speeches were

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made and the usual presents given. On the twenty-fifth of September, a council was held with the Teton Sioux; this ended less amicably and a hostile collision was narrowly averted. On the following day, Lewis and Clark visited the Indian village and were entertained with dried buffalo meat (pemmican), a sort of ground potato, and cooked dog. They found the pemmican and potato good and partook sparingly of the dog. I 8 0 4

A few days after the council with the Yankton Sioux, the party met with a species of very fleet animal unknown to science which they ordinarily called "goats," but which were the prong-horned antelope. Equally interesting was a much smaller animal that the explorers first saw while visiting the dome-shaped mountain that is now known as the Tower. These little animals, called by the French *petit chien*, having honeycombed about four acres of ground, sat erect near the mouths of the holes that they had dug and made a whistling noise; when alarmed, they took refuge in the ground. By pouring five barrels of water down one of the holes, the men dislodged and captured the occupant. After digging six feet down another hole, they found that they were not half-way to the bottom and gave up the task. They found, however, two frogs in the hole, and near it killed a rattlesnake that had swallowed a young prairie-dog. On a hill just below Cedar Island they also saw "the back bone of a fish, 45 feet long tapering to the tale. Some teeth &c. those joints were separated and all Petrefied." Antelope and Prairie-dog September 6 September 7 September 10

On the twenty-fifth of October, the explorers reached the mouth of what is now known as Heart River, near the present city of Bismarck, where they induced the Mandan and Arikara, ancient enemies, to consent to peace and held a council with the Minitaree or Gros Ventres (Big Bellies). Winter was at hand, a good site for a camp was found six or seven miles below the mouth of the Big Knife River, and a stockade was built to shelter and protect the party. Wars between the near-by Indian tribes gave much uneasiness, but the hunters In Winter Quarters

1805 supplied an abundance of buffalo and other game and the Indians gladly exchanged corn for trinkets and for having their guns and utensils mended by the blacksmith. On New Year's Day, sixteen of the men went "with their Musick" to the nearest Mandan village where they delighted their hosts by their dancing. The black man, York, and a Frenchman "who danced on his head" came in for special notice. Throughout the journey, the negro was regarded as "big medicine" and was an especial favorite among the women.

Breaking
Camp

On the seventh of April, the keel-boat, manned by ten men, set off down the stream for Saint Louis, distant sixteen hundred miles by river, carrying presents and dispatches for President Jefferson. With them went Brave Raven, an Arikara chieftain who wished to visit the "Great Father" at Washington. The presents included stuffed antelopes, the horns of a mountain sheep, a pair of elk horns, the skeletons of burrowing squirrels and prairie-dogs, articles of Indian dress, a live burrowing squirrel, a prairie-hen, and four magpies. On the same day, the main expedition set off up the river in six canoes and two large "perogues." The party now consisted of thirty-three persons, including Charbonneau, a French interpreter, who had joined at Fort Mandan. With this ranger of the plains went an Indian woman named Sacagawea (Bird Woman) who had been captured from the Snake Indians by the Minitaree and sold to the Frenchman who brought her up and married her. Although she carried an infant only a few months old, she made the journey to the Pacific and proved more helpful than did her husband.

Into the
Unknown

Strange things began to multiply. In many places the earth was covered with a white substance that tasted "like a mixture of common salt and Glauber's salts"—the alkali of the plains. The explorers also met with a species of enormous bear which, unlike the black bear to which they were accustomed, instead of fleeing from the hunter was more than likely to turn hunter himself. This grizzly bear was exceedingly tenacious of life and

half a dozen bullets from the small-bore rifles ordinarily 1805
merely stirred him to greater fury. There were numerous
hair-breadth escapes. On one occasion when Captain
Lewis had shot a buffalo and had forgotten to reload his
gun, he was chased into the river by one of the grizzly
monsters. On another, two hunters, seeking escape from
a bear that had been repeatedly shot, jumped from a
bluff into the water. The bear sprang after them, but,
when almost in reach of the hindmost swimmer, was
killed by a shot from a hunter on the shore.

On the twenty-fifth of April, the party reached the In Montana
mouth of the Yellowstone and, on the twenty-sixth
of May, Captain Lewis caught a distant view of the
Rocky Mountains. Two weeks later, Lewis and an June 13
advance party reached
the Great Falls around
which a portage was
made at the cost of
much time and labor.

The buffaloes were so
numerous that Clark
estimated that at one
view he saw at least
ten thousand. Inde-
pendence Day was
celebrated with a din-
ner of bacon, beans,
dumplings, and buf-
falo meat, and by
drinking the last of
the spirits. Above the
falls, the iron frame-
work of a boat that
had been carried all
the way was set up

and covered with skins, but, for want of pitch or any effi-
cient substitute therefor, it proved useless. Two smaller
canoes were therefore hewn out of cottonwood trees and,
by the twenty-fifth of July, Clark, who was in the lead,



William Clark
(From original painting in possession of
John O'Fallon Clark, Saint Louis)

1805 reached the famous "Three Forks" of the Missouri. To these three branches the still adhering names of Jefferson, Madison, and Gallatin were given. Three tributaries of the Jefferson were named Philosophy, Philanthropy, and Wisdom. Wisdom still holds her place, but Philosophy has been lost and Philanthropy is now known as the Stinking Water.

A Happy
Meeting

August 9

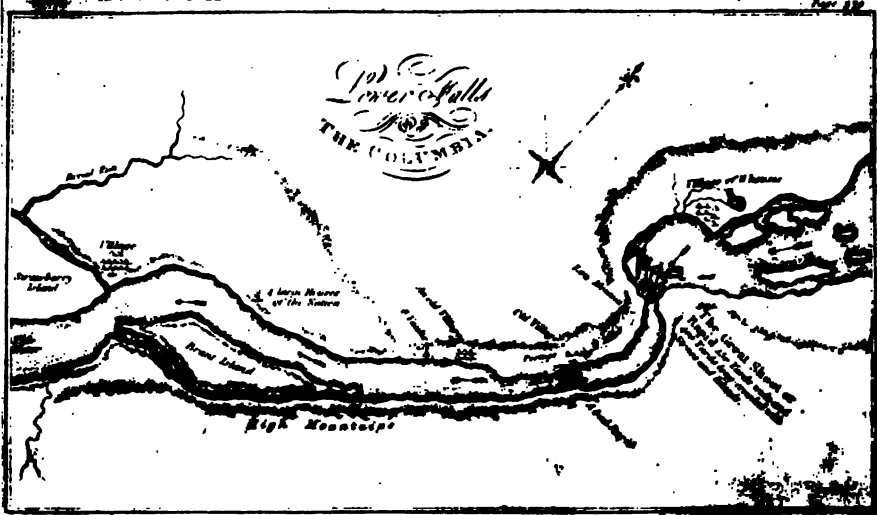
There was doubt as to which of the three branches to follow, but with their usual good fortune the explorers chose the Jefferson and ascended it as far as it was navigable for their canoes. Before this, however, Lewis with three men, including the half-breed Drewyer who was the best hunter of the party, had set out overland, to find the Shoshoni Indians and, if possible, to obtain their help in crossing the mountains. Three days later, Lewis saw a Shoshoni on horseback, but the Indian mistook the white men for enemies and fled. The little party followed his trail into the mountains, reached a point where one of the four "exultingly stood with a foot on each side of this rivulet and thanked his god that he had lived to bestride the mighty & heretofore deemed endless Missouri," and two miles further came to its source. They then crossed a ridge and at a distance of three-quarters of a mile came to "a handsome bold running Creek of cold Clear water" running westward. They stopped and drank for the first time of the waters of the Columbia. Suffering greatly from lack of food, they kept on and fell in with three female Indians. One of them fled, but the others, an old woman and a little girl, sat on the ground and held down their heads as if for the death-blow. Lewis treated them kindly and they recalled the fugitive. The three were then given presents and their faces were painted with vermilion in token of good will. Later in the day, the warriors of the tribe came up. At that season of the year, the Shoshoni were half-starved, subsisting chiefly on roots and berries. After great difficulty, Lewis induced some of them to accompany him back to the river. On the way, Drewyer shot two deer, most of which the Indians ate raw. On the seventeenth, the

August 13

main body was met and there was an affecting meeting 1805 between Sacagawea, the interpreter's wife, and her Shoshoni sister.

With horses bought of the Shoshoni and with the assistance of the Indians themselves, the work of crossing the great divide was then begun. Game was extremely scarce and there was such suffering from lack of food that several times the party had recourse to horse-flesh.

From the
Mountains
to the Sea

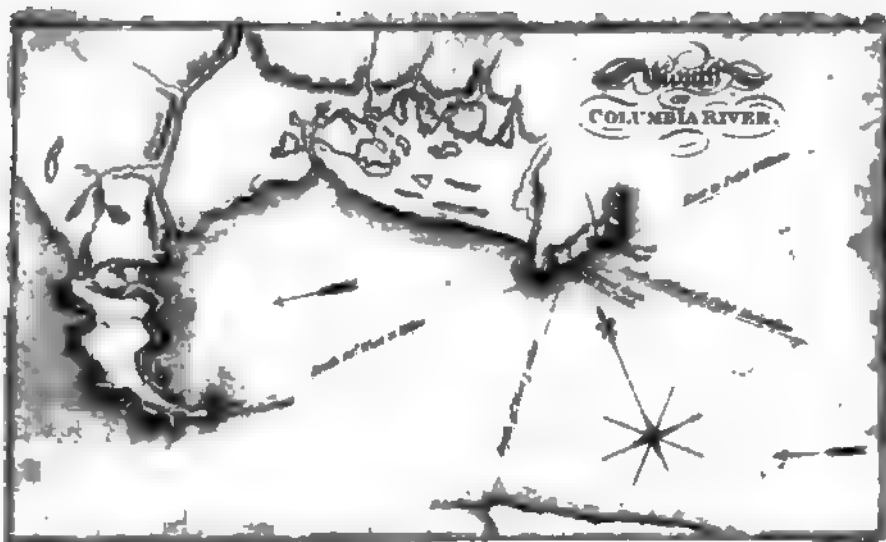


Lewis and Clark's Map of the Lower Falls of the Columbia River

On the twentieth of September, the white men met with the first Nez Percés. At "Canoe Camp" on the Kooskooskee (Clearwater), the explorers built canoes in which they floated down this stream into the Snake River. Again they were reduced to such straits for food that they bought dogs of the Nez Percés and "felt no disrelish" for the food. Progress was now much more rapid. On the seventeenth of October, they floated into the Columbia, passed the great falls, and, on the seventh of November, came, says Clark, "in view of the Ocean, this great Pacific Ocean which we have been so long anxious to See. and the roreing or noise made by the waves braking on the rocky Shores (as I suppose) may be heard distinctly."

October 25

1805 On the Pacific Shore Almost continuous rains and a plague of fleas caused great suffering, but, by Christmas time, the explorers were safely housed in a rude stockade that they called Fort Clatsop. The possession of various manufactured articles, the inscription "J. Bowman" tattooed on the arm of an Indian woman, and the presence of a redheaded half-breed showed that their Indian neighbors had come into contact with civilization. The Americans found



Lewis and Clark's Map of the Mouth of the Columbia River

them to be more thievish and, if possible, more immoral than the wilder tribes. Game, especially elk, was fairly plentiful, and salt was obtained by the evaporation of sea-water. Nevertheless, the party suffered from wind, snow, and rain, and perhaps most of all from the lack of adventure.

The Return Lewis and Clark had hoped to meet some trading ship from which they could obtain supplies for the homeward journey and by which they could transmit the news of their success. In this they were disappointed. But they had an ample supply of ammunition and, at various points on their trail, they had cached leaden canisters of

powder and numerous other articles. Their small merchandise, however, had so shrunk that it might have been "tied up in a couple of handkerchiefs." Of other goods with which they must obtain food and horses for the return journey they had only twelve robes, five of which they made out of a large flag, and a few old clothes, including an artilleryman's cast-off uniform coat. Documents describing their journey were left with the Indians who were directed to give them to traders, and, on the twenty-third of March, 1806, the explorers turned their faces homeward. The Indians that they met reported that in the interior food was unusually scarce. Nevertheless, they kept on, buying "wapatoo" (bulbs of the arrowhead) and dogs, and killing some game. They bought a dozen horses and, above the falls and rapids known as the Dalles on the Snake River, struck overland and were fortunate enough to recover most of the horses that, in the previous fall, they had left with the Nez Percés. At first, they were unable to cross the Bitter Root Mountains on account of the snow, but their second attempt was successful.

At Traveller's Rest Creek it was agreed to divide the party temporarily. With nine men, Lewis was to travel directly to the Falls of the Missouri. There he was to leave three men to prepare carriages for transporting the baggage across the portage, while, with the remaining six, he ascended Maria's River, explored the country, and ascertained whether any branch reached as far north as the fiftieth parallel. The others were to proceed to the head of Jefferson River which some of them were to descend in the canoes that they had left on the way out, while Clark, with the other men and Sacagawea, were to seek the head-waters of the Yellowstone and follow it to its mouth where the whole party was to be reunited. Everything went about as planned, excepting that bad weather and the breaking of his chronometer caused Lewis to turn back before accomplishing the exploration of Maria's River. On their way back, Lewis and his men fell in with a party of "Minnetarees" (Atsina, an

1806
Separation
and Reunion

July 26

1806 Arapaho band associated with the Blackfeet) who treacherously tried to rob them. A fight followed in which the Indians came off second best, losing two of their men and four of their ponies. Fearing to be cut off by a larger band, Lewis and his men rode eighty miles without camping and, on the next day, joined the detachment that had come down from the Falls. On the twelfth of August, the whole expedition, with the exception of three men whom Clark had sent on a mission to an English trading post on the Assinniboine River, were reunited a little below the mouth of the Yellowstone.

Down the
Missouri

August 14

August 16

September 20

Joy and
Reward

Though still probably two thousand miles by river from Saint Louis, the expedition was nearly at the end of the long journey. Descending the Missouri was a very different thing from ascending it and, on the first day, they made eighty-six miles. Game was abundant and there were no conflicts with the Indians, though one with the Teton Sioux was narrowly avoided. Not all the men were in a hurry to return to civilization; John Colter asked and received permission to join two trappers whom the party met, and Charbonneau and Sacagawea, who during all that wild journey had carried her child, remained among the Indians. Now and then meeting traders and trappers whom they eagerly questioned for news, the explorers rapidly descended the river. Below the mouth of the Gasconade they "saw some cows on the bank which was a joyfull Sight to the party & caused a Shout to be raised." Three days later, they floated into the Mississippi and at noon reached Saint Louis, where they "were honored with a Salute of Guns and a harty welcom."

Since the party left Fort Mandan, eighteen months before, not a word from them had reached the world behind. As Jefferson wrote, the suspense "had begun to be felt awfully" and most persons believed that the explorers had perished in the wilderness. The safe return of all excepting the one man who had lost his life by natural causes excited unspeakable joy. When the two captains reached Washington early in 1807, congress

hastened to reward them and their men. To each private and non-commissioned officer was voted three hundred acres of land and to Clark and Lewis one thousand and fifteen hundred respectively, though Lewis magnanimously protested against receiving more than his friend. Both officers were also given double pay. Lewis was commissioned governor of Louisiana Territory and Clark was appointed general of the territorial militia and Indian agent for the department. Lewis did not live long to enjoy his honors. While on his way to Washington, his life was ended in a backwoods tavern in Tennessee. President Jefferson believed that he had committed suicide and a story to that effect has often been quoted, but there is little doubt that he was murdered.

1 8 0 5
1 8 0 9

March 2,
1807

October 11,
1809

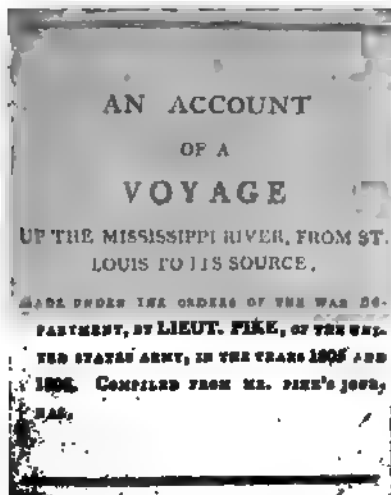
As one reads the thrilling journals of their adventurous journey, one cannot but marvel at the extraordinary qualities of leadership displayed by Lewis and Clark, at the hardihood shown by men and officers alike, and at the good fortune that attended the whole enterprise. Their expedition is the foundation of the history of the great Northwest. "These men and their devoted band of followers were the first to break into the world-old solitudes of the heart of the continent and to explore the mountain fastnesses in which the mighty Columbia has its birth. Following in their footsteps, the hardy American emigrant, trader, adventurer, and home-seeker penetrated the wilderness, and, building better than they knew, laid the foundations of populous and thriving States." Where the explorers held council with befeathered chiefs stand villages and cities, while on the plains then teeming with unnumbered antelope and buffalo now ripple the wheat-fields of the Dakotas.

Then and
Now

Lewis and Clark were not the only seekers for information regarding the new domain. In July, 1805, General Wilkinson, commander-in-chief of the army and governor of the newly created Louisiana Territory, ordered Lieutenant Zebulon Montgomery Pike to explore the Mississippi to its source, to select sites for military

Pike's
Exploration
of the
Mississippi

1805 posts, to treat with the Indians, to establish peace, if possible, between the Sioux and Ojibwa, and to find out



December 17

Title-page of First Pamphlet describing Pike's Journey

what he could about the activity of British traders in that region. Setting out from Saint Louis on the ninth of August, 1805, Pike ascended the Mississippi to the neighborhood of the present city of Little Falls where he erected a stockade. Here he left a part of his men and with the rest pushed on overland to Lake La Sang Sue (Leech Lake) and Red Cedar Lake (Cass Lake), the former of which he mistook for the main source of the Mississippi.

On this journey, the explorers suffered intensely from cold and lack of food and were probably saved from death by the hospitality of the very traders upon whom they had been sent to spy. On the fifth of March, the party again reached the stockade and, on the thirtieth of April, Pike was again at Saint Louis.

Pike's
Arkansas
Journey

In the following July, by Wilkinson's orders, Pike set out on another exploring expedition, this time into the Southwest, a region that was then in dispute between the United States and Spain. With a party of twenty soldiers and two civilians, he ascended the Missouri and Osage rivers, bought horses of the Indians, and traveled overland to the Arkansas, which Lieutenant James D. Wilkinson and five others descended, reaching New Orleans in February, 1807. The Spanish authorities of New Mexico, having heard of the projected expedition, sent out a force of several hundred men to intercept it. This force had descended the Red River and then struck out across country to the Arkansas, which they followed

1807 to come and take them. On the twenty-sixth, the expected force appeared. When they informed Pike that he was on Spanish soil, Pike expressed great surprise. When they insisted that he accompany them to Santa Fé, Pike gladly consented and the whole party was escorted to the capital. At Santa Fé, the Americans were examined and put under surveillance, but they were well treated. Later, Pike and some of his men were escorted to El Paso, through Chihuahua, Durango, Coahuila, and the present Texas to Natchitoches on the Red River, where they were released. What became of some of the others is not certainly known, though doubtless they also were released later. On the way, Pike, though much hampered by his escort, used every effort to ascertain the resources and defenses of the country and the disposition of the inhabitants toward Spain.

July 1, 1807

Who and Why

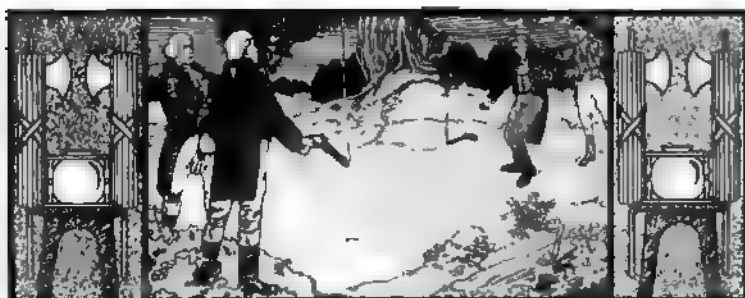
Much doubt still exists regarding the origin and purposes of this peculiar expedition. At the time, many persons suspected that it was connected in some way with Burr's conspiracy, the story of which will soon be told. Some color is given to this view by the fact that the expedition was sent out, ostensibly at least, by Wilkinson. But Pike's patriotic character weighs against the supposition that he was privy to any plot that included the separation of the West from the rest of the Union. It seems almost certain that he was sent to reconnoiter the Spanish territories with a view to their conquest in case of the outbreak of war, which then appeared probable if not inevitable. The administration disclaimed the responsibility for either of Pike's expeditions and approved both. After Pike's return from Mexico, General Dearborn, the secretary of war, wrote to him: "I can with pleasure inform you, that, although the two expeditions you have performed were not previously ordered by the President of the United States, there were frequent communications on the subject of each between General Wilkinson and this department, with which the President of the United States was, from time to time, made acquainted; . . . your conduct, in

February 24, 1808

each of these expeditions, met the approbation of the 1808 President."

Soon after his return to the United States, Pike wrote Pike's Story an extended account of his two expeditions; it was published in 1810. The book attracted wide attention because of the adventures that it recorded and because it gave an account of Mexico concerning which little had been heard since its conquest by Cortes. In fact, as the authorized story of the Lewis and Clark expedition did not appear until four years later, undue attention was given to Pike's exploits. Pike displayed great heroism and enterprise and did much to diffuse a knowledge of the Southwest, but he did not reach the Rocky Mountains until they had been crossed by Lewis and Clark, he did not penetrate to the western watershed, and, on his second expedition, he traversed only ground that was familiar to the Spaniards.





C H A P T E R X X

THE FEDERALIST PARTY IN DISTRESS

Coveting the
Floridas

August 12,
1803

Yrujo in
Bad Temper

September 4,
1803

February,
1804

THE success of the Louisiana negotiations led to the hope that the Floridas also might be acquired. Livingston and Monroe claimed that West Florida formed a part of the Louisiana cession and suggested that the United States take possession of it and then negotiate for East Florida. Jefferson, however, did not adopt their advice. "We have," he wrote, "some claims to extend on the sea-coast westwardly to the Rio Norte or Bravo, and, better, to go eastwardly to the Rio Perdido, between Mobile and Pensacola, the ancient boundary of Louisiana. These claims will be a subject of negotiation with Spain; and if as soon as she is at war we push them strongly with one hand, holding out a price with the other, we shall certainly obtain the Floridas, and all in good time."

But Spain, indignant at France for alienating Louisiana, was in no mood for further cessions. The marquis of Casa Yrujo, Spanish minister at Washington, protested that Louisiana was stolen property and refused to listen to any claims to Florida. His ruffled feelings were in no way soothed by the passage of the so-called Mobile act authorizing the president to erect the region about Mobile Bay into a new collection district and providing that "all the navigable waters, rivers, creeks, bays, and inlets lying within the United States which empty into the Gulf of Mexico east of the River Mississippi, shall be annexed to the Mississippi district." Other matters, including the

social war that grew out of the "*pêle-mêle*" rule, added fuel to the fire and Yrujo's wrath boiled over. After vainly demanding that the act be annulled, he sought a Federalist editor named Jackson and made proposals that Jackson, rightly or wrongly, interpreted as an attempt at bribery. Jackson's honor and patriotism rose above his partisanship; he wrote to Jefferson and then published the facts in his newspaper, the *Philadelphia Political Register*.

1803
1804
September,
1804

Meanwhile, Charles Pinckney, the American minister at Madrid, had been trying to induce Spain to pay certain spoliation

Pinckney at
Madrid

Charles Pinckney
Autograph of Charles Pinckney

claims arising out of injuries done to American commerce during the recent quasi-war with France. These claims were of two kinds: for American vessels captured by Spanish cruisers and for vessels captured by French cruisers and condemned by French consuls in Spanish ports. In August, 1802, Godoy consented to refer the claims for Spanish depredations to a commission, but when the convention came before the American senate, excitement over the withdrawal of the right of deposit was running high and the convention failed of ratification. Pinckney was then instructed to press both classes of claims, together with claims for damages sustained by the withdrawal of the right of deposit, and to force Spain to relinquish West Florida. But the Spanish government refused to consider the last mentioned subject at all and declined to ratify the claims convention, which had at last been accepted by the senate. Pinckney then threatened to ask for his passports, but the Spaniards were not frightened and he was under the awkward necessity of remaining at Madrid.

January 11,
1803
March 3

January 9,
1804

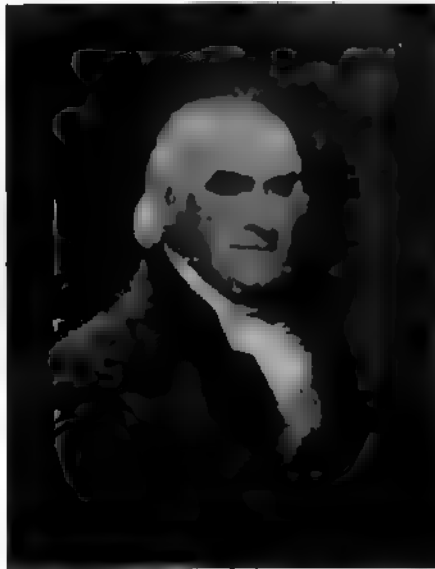
In December, 1804, Monroe, who had been in England as successor to Rufus King, went to Spain "and undertook to bring the stiff-necked Dons to reason." But he had not secured the support of France and soon found himself as powerless as Pinckney. The Spanish repre-

Monroe Joins
Pinckney

- I 8 0 3 sentative "made it clear that he would not cede Florida,
I 8 0 5 would not ratify the convention, would not do anything
except to be unpleasant. Monroe shook the dust of
Madrid from his shoes, leaving the hapless Pinckney
with still some months of Spanish indignities to endure."
- May 26, 1805
- The Twelfth
Constitutional
Amendment
December 12,
1803
- See Appendix
- September 25,
1804
- Jefferson and
Clinton
Nominated
- February,
1804
- January 6,
1805
- March 3, 1804
- Profiting by experience, congress proposed the twelfth amendment to the constitution, requiring electors to vote for president and vice-president by distinct ballots and providing that in case of failure of election by the house of representatives, "then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President." Despite Federalist opposition, the amendment was ratified by the legislatures of three-fourths of the states and proclaimed by the secretary of state as a part of the constitution. The only dissenting states were Massachusetts, Connecticut, and Delaware—all Federalist strongholds. The national constitution was not again amended until 1865.
- The Louisiana purchase increased Jefferson's popularity, especially in the South and West. Although he had expressed an opinion that the president should be elected for seven years and "be forever ineligible afterwards," he willingly accepted a renomination unanimously tendered him by a caucus of Republican members of congress. In explanation of this apparent inconsistency he later wrote that he had "become sensible that 7. years is too long to be irremovable. . . . The service for 8. years with a power to remove at the end of the first four, comes nearly to my principle as corrected by experience. . . . I determined to withdraw at the end of my second term. . . . Genl. Washington set the example of voluntary retirement after 8. years. I shall follow it, and a few more precedents will oppose the obstacle of habit to anyone after a while who shall endeavor to extend his term." He explained his more specific motive thus: "I sincerely regret that the unbounded calumnies of the federal party have obliged me to throw myself on the verdict of my country for trial, my great desire having been to retire, at the end of the

present term, to a life of tranquility; and it was my 1804
 decided purpose when I entered into office. They force
 my continuance. If we can keep the vessel of State as
 steadily in her course another 4 years, my earthly pur-
 poses will be accomplished, and I shall be free to enjoy,
 as you are doing, my
 family, my farm, &
 my books." With
 silent but persistent
 determination, Jeffer-
 son kept Burr's name
 off the ticket and the
 nomination for second
 place was given to
 George Clinton, gov-
 ernor of New York.

The Federalists
 agreed among them-
 selves to support
 Charles Cotesworth
 Pinckney for the
 presidency and Rufus
 King for the vice-
 presidency. They had,



George Clinton

An Eastern
 Confederacy

however, slight hopes of success and, in despair at the
 onward march of that "Great Beast" democracy, a knot
 of them, including Pickering of Massachusetts, Tracy and
 Griswold of Connecticut, and Plumer of New Hampshire,
 engaged in a secret project for the formation of an eastern
 confederacy, to include New England and perhaps New
 York and New Jersey. "If Federalism is crumbling
 away in New England," wrote Pickering to George
 Cabot, "there is no time to be lost, lest it should be over-
 whelmed and become unable to attempt its own relief;
 its last refuge is New England, and immediate exertion
 perhaps its only hope. It must begin in Massachusetts.
 The proposition would be welcomed in Connecticut; and
 could we doubt of New Hampshire? But New York
 must be associated; and how is her concurrence to be

January 29

1804 obtained? She must be made the center of the confederacy. Vermont and New Jersey would follow of course, and Rhode Island of necessity." Conferences were held, letters written, and Merry, the English minister, was taken into the secret. But the popular response was discouraging. John Adams and his son, John Quincy, now a senator from Massachusetts, opposed the scheme; Hamilton, though he thought the existing system of government unequal to the strain and expected an upheaval in the future, opposed conservative disunion as a mistake; other Federalists like George Cabot, Chief-justice Parsons, and Fisher Ames, believed that the time was not yet ripe; and the great body of the people in the Northeast, being exceedingly prosperous, could not be made to see the phantoms that haunted the Federalist leaders and were in no mood for revolution. Under these circumstances, the chief hope of the conspirators lay in New York which, Pickering had written, "must be made the center of the confederacy." "To bring New York to the Federalism of Pickering and Griswold, the Federalist party needed to recover power under a leader willing to do its work. The idea implied a bargain and an intrigue on terms such as, in the middle ages, the Devil was believed to impose upon the ambitious and reckless. Pickering and Griswold could win their game only by invoking the Mephistopheles of politics, Aaron Burr."

Burr's Defeat
in New York

In January, 1804, Burr formally offered the president a choice between his friendship and enmity and Jefferson chose the latter. Aware of his waning political fortunes, Burr determined to succeed, as governor of New York, the man who was to succeed him as vice-president of the United States. There were Republican factions in the state and the Federalists were supposed to hold the balance of power. In February, Burr's friends in the legislature nominated him, and most of the Federalist leaders gave him their secret support. The administration Republicans nominated Chief-justice Morgan Lewis for the governorship. For Burr, the contest meant

success or political death. Hamilton was untiring in his efforts to defeat Burr, and Lewis was elected.

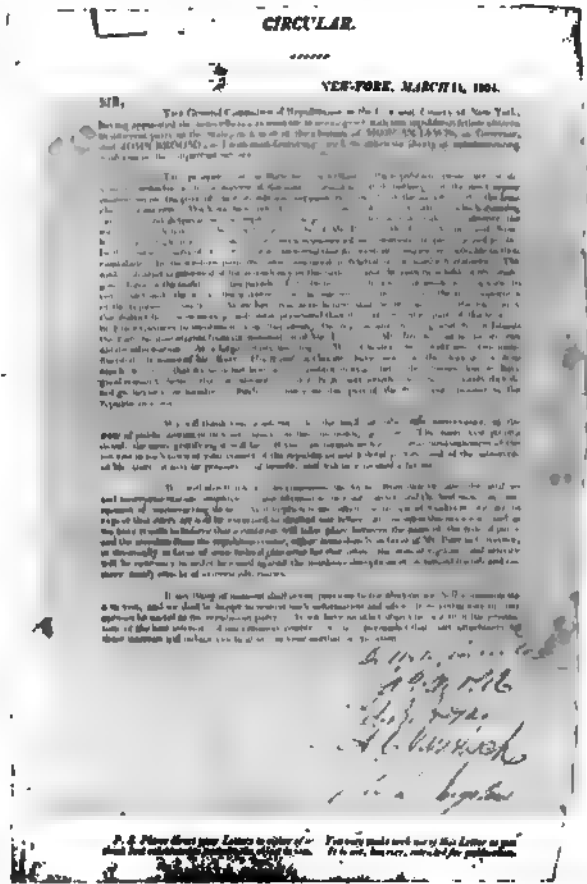
Bankrupt in purse and political prospects, Burr sent a note to Hamilton asking him to acknowledge or deny having expressed a "despicable opinion" of Burr. The extended correspondence that followed seems to show a determination on Burr's part to force Hamilton to meet him under the rules of the "code of honor."

Hamilton had recently lost a son in a duel, and for many other reasons wished to avoid an encounter, yet he did not think it proper to refuse a meeting. In a written paper prepared by him he said: "The ability to be in future useful, whether in resisting mischief or effecting good in those crises of our public affairs which seem likely to happen, would probably

April 25

Burr's Challenge to Hamilton

June 28



A Campaign Circular in Support of Morgan Lewis for Governor of New York

1804 be inseparable from a conformity with public prejudice in this particular." In other words, Hamilton, as his biographer has pointed out, had an idea that democracy

would bring on excesses in America similar to those of the French revolution and expected that he might act the part "of a savior of society" which he could not do if it was possible for any man to cast any imputation upon his personal courage. Therefore, with a determination to throw away his first fire and perhaps to reserve his second, he accepted the challenge. He asked, however, for some

To PHILIP SCHUYLER, Esq.

SIR,

THE most recent attack which my character has sustained in an anonymous broadside, to which your letter of the 21st inst. directed to the chairman of the federal electing committee of this city is annexed; and in which you contradict certain facts contained in a letter said to have been written to me by *Aaron Burr, Esq.* of Bern, will be my apology for repelling the unfounded aspersions which have been thus dishonorably obtained on the public. My letter to Mr. *Burr* was committed to the care of *John T. Davis, Esq.* of Bern; but to this gentleman I hope cannot be imputed the unbecoming and breaking open of a letter, a crime which in England has met with the most ignominious punishment.

Admitting the letter published to be an exact transcript of the one intended for Mr. *Burr*, and which, it seems, instead of being delivered, according to promise, was *embroidered and belied* as I have, that the assertions therein contained are substantially true, and that I can prove them by the most unquestionable testimony, I repeat, that General *Hamilton* and Judge *Kear* have declared, in substance, that they looked upon Mr. *Burr* to be a dangerous man, and one who ought not to be trusted with the reins of government. If, Sir, you attended a meeting of federalists, at the city tavern, where General *Hamilton* made a speech on the pending election, I might appeal to you for the truth of so much of this assertion as relates to him. I have, however, other evidence to substantiate the fact. With respect to Judge *Kear's* declaration, I have only to refer to *Thomas P. H. Graham, Esq.* and Mr. *James Kane*, of this city, whose veracity, I trust, will not be impeached; but should the fact have escaped their recollection, I am not in want of other evidence, equally respectable, to support it. Mr. *Van Rensselaer*, a few days before he left town for New-York, in a conversation with me, declared in substance what I communicated in his letter for Mr. *Burr* as coming from him; and I am perfectly willing to repeat myself on his word, as I can do for the truth of this declaration.

I repeat, in this letter, which has been so disgracefully *embroidered*, and the *brooding* of which must be taken with the lowest species of villainy, that many of the reflecting federalists will support Judge *Kear*. Will this be considered a rash assertion, when it is known, that two federal gentlemen, high in office in this city, have declared, that they would vote for him? Judge *Paterson*, of New-York, made the same assertion in this city, under the impression, however, that no federal candidate was to be elected. *Wm. C. Philip*, when in this city, on his way to Canadaigua, stated, that Gen. *Hamilton*, and about one hundred federalists in New-York, would not vote for Mr. *Burr*.

Further, that Judge *Tucker* intimated to me, the conversation Mr. *Van Rensselaer* had with him, to which you allude, but it was subsequent to my having written and dispatched the letter for Mr. *Burr*.

I beg leave to remark, Sir, that the anxiety you discovered when his Honor the Chancellor was about to be nominated, induced me to believe, that you entertained a bad opinion of Mr. *Burr*, especially when taken in connection with General *Burr's* harangue at the city tavern; and although I have never suggested that you would act on the one side or the other, in this election; yet, presuming on the rectitude of your mind, and the reputation you sustain of an upright and exemplary character, I could not suppose you would support a man whom I had reason to believe you held in the lowest estimation.

It is sufficient for me, on this occasion, to substantiate what I have asserted. I have made it an invariable rule of my life, to be circumspect in relating what I may have heard from others; and in this affair, I feel happy to think, that I have been unusually cautious—for truly, Sir, I could do but to you a still more despicable opinion which General *Hamilton* has expressed of Mr. *Burr*.

I cannot conclude, without paying some attention to your friend, Mr. *Strong*: I have to regret that this gentleman, so renowned for the Christian virtues, should have consented to dishonour your name, by communicating your letter with an anonymous production, replete with the vilest falsehood and the foulest calumny.

I am, Sir, with due respect,

Your humble servant,
CHARLES D. COOPER.

ALBANY, April 25th, 1804.

A New York Election Broadside of the Campaign of 1804. (A passage in this letter reflecting on Aaron Burr was used by the latter as ground for his challenge to Alexander Hamilton)

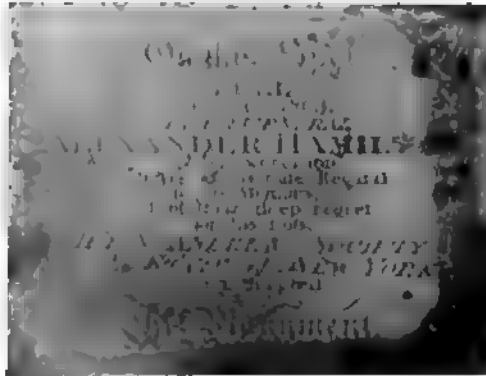
time in which to settle his private affairs and those of his clients. It is said that Burr spent part of the interval in pistol practice in his garden.

On Friday, the sixth of July, Hamilton sent word that he would be ready at any time after the following Sunday.

Burr Kills
Hamilton

The details were arranged on Monday and, in the gray of Wednesday morning, Burr and Hamilton met on the famous field at Weehawken, on the Jersey shore. Burr aimed with coolness and precision and, at the signal, fired with fatal effect. As Hamilton fell upon his face, his pistol went off as if involuntarily. Burr immediately returned in his barge to New York and Hamilton was carried to the home

1804
July 11



Tablet which once marked the Spot where Hamilton fell in his Duel with Burr



A. Burr

of his second where he died on the following day.

The startled public mingled grief and indignation with the imposing funeral rites and relieved the widow and orphans from financial embarrassment by liberal subscriptions. In New England "a wail of despair arose. . . . The whole body of Federalists, who had paid little regard to Hamilton's wishes in life, went into mourning for his death, and held funeral services such as had been

Public
Sorrow and
Indignation

1804 granted to no man of New England birth. Orators, ministers, and newspapers exhausted themselves in execration of Burr." Even many Republicans could not but feel that the dead man had fallen in their cause. In the South and West, however, the duel was regarded merely as an "affair of honor" in which Burr appeared to better advantage than his opponent. Through the activity of the Clinton party, Burr was indicted for murder and found a temporary refuge in the South Carolina home of his daughter, Theodosia. Later, he returned to Washington and completed his term as vice-president but with political

prospects blasted and name execrated.

Lamentable as was the tragic death of one of the most brilliant of American statesmen, it had some good results. This duel, the most famous affair of the kind in American history, led in large measure to the decadence of the "code of honor" in the North and it served to clear the murky atmosphere of New York and New England politics. "Pickering



De Witt Clinton

and Griswold, Tracy and Plumer, and their associates retired into the background. Burr disappeared from New York, and left a field for De Witt Clinton to sacrifice in his turn the public good to private ambition."

The
Pennsylvania
Impeachments

The bitterness of the political contest of 1804 was much increased by something nearly approaching political proscription. From their last stronghold, the Federalists let fly more than one barbed shaft at their enemies.

Good from
Evil

Triumphant elsewhere, the Republicans began an assault on the judiciary. The first move was made in Pennsylvania. In that state, President-judge Addison of one of the courts of common pleas was impeached and removed from office for refusing to permit a colleague to make a political harangue to a grand jury and for himself addressing to the grand jury some remarks that reflected upon his Democratic colleagues. Impeachment proceedings were then pushed against three of the four state supreme judges, but the fourth judge, a Republican, sent to the legislature a request that he be impeached with his brethren, and Alexander J. Dallas, the United States district attorney who had conducted the impeachment of Judge Addison, now led the defense. No Pennsylvania lawyer of ability would undertake the prosecution and the Pennsylvania senate dismissed the charges.

The first proceedings against a federal judge were in the impeachment of Judge John Pickering of the New Hampshire district. In this case, the grounds were not primarily political, for Pickering was acknowledged by his son to be an insane drunkard and his presence on the bench was a public scandal. But his state of mind hardly made him guilty of "treason, bribery, or other high crimes and misdemeanors," which were the only constitutional grounds for impeachment. As there was no other way of removing an insane man from the bench in order that his place might be filled by one in his senses, the national senate, after a long debate, voted him guilty. The case revealed a defect in the constitution that has not yet been remedied.

On the same day that the senate declared Pickering guilty, the house voted to impeach another Federalist for causes that were primarily political. The victim was Samuel Chase of Maryland, one of the judges of the supreme court of the United States, a Federalist who was more obnoxious to the Republicans than all other judges combined. In an address to a grand jury at Baltimore, he had denounced the principle of universal suffrage that had recently been adopted by Maryland as tending to

1 8 0 3
1 8 0 5

The
Impeachment
of Judge
Pickering

March 12,
1804

The Offense
of Judge
Chase

May 2, 1803

1803 the destruction of property and personal liberty and to the building up of a mobocracy, the worst of all governments. The doctrines "that all men in a state of society are entitled to enjoy equal liberty and equal rights, have brought this mighty mischief upon us; and I fear that it will rapidly progress until peace and order, freedom and property, shall be destroyed." When the speech was brought to the attention of Jefferson, he wrote to Joseph H. Nicholson, chairman of the committee managing the Pickering impeachment, asking: "Ought this seditious and official attack on the principles of our Constitution, and on the proceedings of a State, to go unpunished?" In characteristic fashion, he added: "It is better that I should not interfere."

May 13

An Irritating
Decision of
the Supreme
Court



John Marshall's Country Residence
(From photograph of painting owned by
Thomas Marshall Smith)

Jefferson's readiness to notice Chase's outburst was partly due to irritation caused by a decision of the supreme court in the celebrated case of *Marbury vs. Madison*. This case grew out of the appointment of the so-called "midnight judges." About a week before the expiration of his term, President Adams signed a bill providing for the appointment of justices of the peace for the District of Columbia; he then nominated men to fill the positions thus created. The nominations were confirmed by the senate and the commissions, signed by Adams and by Marshall as acting secretary of state, were among those left on Marshall's desk when he was interrupted by Levi Lincoln. Jefferson considered all such appointments an "outrage on decency" and, by his direction, the secretary of state refused to deliver the commissions to the justices. William Marbury, one of the appointees, therefore asked the supreme

partly due to irritation caused by a decision of the supreme court in the celebrated case of *Marbury vs. Madison*. This case grew out of the appointment of the so-called "midnight judges." About a week before the expiration of his term, President Adams signed a bill providing for the appoint-

court to issue a mandamus compelling Madison to deliver 1 8 0 3
 his commission. The repeal of the judiciary act sus- 1 8 0 4
 pended the sessions of the supreme court for fourteen
 months and not until the twenty-fourth of March, 1803,
 was Chief-justice Marshall able to deliver an opinion.
 The decision in the case was that the supreme court had
 no original jurisdiction, but, instead of merely handing
 down a decision to that effect and dismissing the motion,
 Marshall went out of his way to express an opinion on a
 matter that, by his own admission, was not properly
 before the court. He contended that Marbury had a
 right to his commission; to withhold it, therefore, "is an
 act deemed by the Court not warranted by law, but vio-
 lative of a legal vested right." The act of 1789, estab-
 lishing the federal courts had given authority to the
 supreme court to issue writs of mandamus to public
 officers. Marshall now held that the act was unconstitu-
 tional because the court had no original
 jurisdiction in such cases and argued at
 great length the power of the courts to set
 aside an unconstitutional act of congress.
 The decision displeased many persons,
 especially in the South; even southern
 Federalists disapproved the doctrine that
 the courts might pronounce a congressional
 act unconstitutional. Marbury never ap-
 plied to a lower court for a writ and "the
 opinion in the case of Marbury and Madi-
 son was allowed to sleep."

Many persons thought that when the
 Chase impeachment was concluded, Mar-
 shall himself would be brought to block
 "for misbehavior in going so far afield from
 the business before him." As it
 happened, however, the Chase
 impeachment came to such a
 lame ending that the Federalist
 judges of the supreme court
 were firmly fixed in their seats.



The
 Impeachment
 of Judge
 Chase

Silhouette of John Randolph
 (Drawn in 1830 by William Henry Brown)

1 8 0 4 This ending was largely due to John Randolph's poor
 1 8 0 5 management of the case for the house. Eight charges
 were preferred against Chase, some of which, if sustained,
 would have threatened the integrity of the federal judiciary
 system. Most of the legal profession, especially in the
 North, rallied to Chase's support and even Jefferson did
 not approve the form of the impeachment. Chase was
 defended by lawyers of eminence and Burr, who presided
 over the trial, threw his influence against the prosecution.
 Twenty-three votes were required for conviction, but on
 only one count were as many as nineteen secured. After
 the trial, Randolph proposed a constitutional amendment
 giving the president power to remove federal judges upon
 a joint address from both houses, but neither this sug-
 gestion, which was warranted by long English practice,
 nor an amendment proposed by Nicholson giving a state
 power to recall one or both of its senators at any time was
 adopted. The attack upon the judiciary had broken
 down and John Marshall was left free to develop his
 principles of broad construction of the constitution.

February,
1805

The
Presidential
Election

Few of the Republican leaders realized the seriousness
 of the defeat, and the rank and file of the party did not
 grieve greatly over the outcome. The presidential elec-
 tion had already been held and the results were satis-
 factory to the party in power. Even Massachusetts
 arrayed herself under Jefferson's banner; only Connec-
 ticut and Delaware remained loyal to Federalist prin-
 ciples. Jefferson and Clinton received one hundred and
 sixty-two electoral votes leaving only fourteen for Pinck-
 ney and King. Jefferson felt that it was a glorious
 "vindication." To his French friend, Volney, he wrote:
 "The two parties which prevailed with so much violence
 when you were here are almost melted into one. At the
 late Presidential election I have received one hundred
 and sixty-two votes against fourteen only. Connecticut
 is still Federalist by a small majority, and Delaware on
 a poise, as she has been since 1775, and will be till Anglo-
 manny with her yields to Americanism. Connecticut will
 be with us in a short time. Though the people in mass

February 8,
1805

have joined us, their leaders have committed themselves too far to retract. Pride keeps them hostile; they brood over their angry passions, and give them vent in the newspapers which they maintain. They still make as much noise as if they were the whole nation."





C H A P T E R X X I

D I P L O M A C Y A N D D I S C O R D

Theory and
Practice

AT noon, on the fourth of March, 1805, Thomas Jefferson, escorted by militia and other citizens, appeared at the capitol and delivered his second inaugural address. The moment seemed auspicious, democracy was overwhelmingly triumphant, and the country was enjoying an unprecedented prosperity. Yet time was to show that the harvest season of Jefferson's life was past. The high-built hopes and expectations of the hour were doomed to disappointment; the Jeffersonian halo would be more effulgent today had the president saved his consistency and returned to Monticello at the end of his first four years. As it chanced, the president was forced to add inconsistency to inconsistency as theory proved inadequate to condition. Human selfishness and evil passions would not hide their heads for the sake of the universal brotherhood of man, and the late Republican victory bred Republican factions. It is not a little to the credit of Thomas Jefferson that he proved willing to sacrifice his political philosophy and theoretical consistency for the sake of saving his administration from wreck and the interests of his country from injury, and that he even developed skill in doing so.

Internal Im-
provements

The address was largely devoted to a review of the Republican achievements of the past four years, but it was perhaps chiefly notable for a suggestion—sounding strange from the mouth of a states-rights man—regarding internal improvements. After referring to the successful

policy of retrenchment and reduced taxation and asking the question, "What farmer, what mechanic, what laborer ever sees a taxgatherer of the United States?" Jefferson continued: "These contributions enable us to support the current expenses of the Government, to fulfill contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts as places at a short day their final redemption, and that redemption once effected the revenue thereby liberated may, by a just repartition of it among the States and a corresponding amendment of the Constitution, be applied *in times of peace* to rivers, canals, roads, arts, manufactures, education, and other great objects within each State." As we shall see, this policy was soon inaugurated without the "corresponding amendment."

The new term brought with it few official changes. Levi Lincoln resigned the attorney-generalship and Robert Smith was transferred from the navy department to the post thus made vacant. Jacob Crowninshield, a member of congress from Massachusetts, was nominated and confirmed as secretary of the navy, but declined the appointment. Senator John Breckenridge of Kentucky became attorney-general, died late in 1806, and was succeeded by Cæsar Rodney of Delaware. It is notable that although the appointment and confirmation of Smith as attorney-general and Crowninshield as secretary of the navy would seem to have terminated Smith's legal tenure of the latter office, he continued, without further appointment, to act as secretary of the navy until he became secretary of state in 1809.

The extinguishing of Indian titles to the soil proceeded with unusual rapidity. On the fourth of July, William Henry Harrison, governor of Indiana Territory, concluded a treaty with the Ottawas, Wyandots, and other tribes by which the aborigines were to hold in Ohio only the country west of Sandusky and north of the line established by the treaty of Greenville. In the same year, the Piankeshaws sold the land held by them along the Ohio

Cabinet
Changes

Indian
Relations

1805

1804 in southern Indiana, and the United States thus became
 1805 possessed of the north bank of the Ohio to its mouth.
 Further south, the Cherokees and Chickasaws ceded a large tract between the Cumberland and Tennessee rivers in Tennessee, while the Creeks sold another important tract between the Ocmulgee and Oconee rivers in Georgia. The Creeks and Cherokees also agreed to allow the construction of roads from Knoxville and central Georgia to the Mobile River. These treaties opened up millions of acres to settlement and were of strategic value, but experience was to show that the military situation in the West still remained bad. "Hardly a spot between New Orleans and Mackinaw was safe."

A Spanish
Cloud

The time was at hand when such considerations assumed importance. Although news of the treaty of peace with Tripoli reached America toward the end of the summer, serious complications had arisen with a more formidable power. Backed by France, Spain refused to make terms regarding boundaries and spoliation claims, and Monroe's mission to Madrid had failed. Jefferson seemed seriously inclined toward war and toward an alliance with England. Indeed, for a time, he thought of following the advice sent by Armstrong from Paris to seize Texas and break off intercourse with Spain. Madison, however, opposed war and was supported by Gallatin who foresaw that the resulting financial chaos would outweigh any possible gain and would entangle the United States in an undesirable alliance with England. Robert Smith was inclined to support the president's view, though his advice that the navy should be strengthened by building twelve "seventy-fours" was not much to Jefferson's mind.

European
War

May 10,
1804

December 2

The diplomatic situation was greatly complicated by the renewal of the European war. In England, Pitt returned to power and formed a coalition with Austria, Russia, and Sweden to oppose France and Spain. Napoleon, who had taken the title of emperor, formed a camp at Boulogne for the invasion of England, but suddenly threw the "Grand Army" into Germany, took thirty

thousand Austrians at Ulm, and, on the anniversary of 1805 his coronation, defeated the allied Austrians and Russians at Austerlitz. Meanwhile, however, Nelson practically annihilated French and Spanish sea power at Trafalgar. Thenceforth, Great Britain remained undisputed mistress of the sea, but Napoleon was almost equally master of the land.

As the chief neutral commercial nation, America almost monopolized the West India carrying trade and American merchants grew rich at the expense of the European belligerents. Neither France nor England was satisfied that this should continue and, as the United States, from a military or naval point of view, was as negligible as Brazil or Portugal is today, neither power saw any reason for refraining from harsh and unjust measures. Napoleon early adopted dictatorial language concerning American trade with Santo Domingo which he still claimed as a French colony and, as we shall see, practically bullied the United States into passing a disgraceful act conforming to his

October 2

American Shipping



Passport to a New York Ship signed by President Jefferson, dated June 15, 1808

Napoleon early adopted dictatorial language concerning American trade with Santo Domingo which he still claimed as a French colony and, as we shall see, practically bullied the United States into passing a disgraceful act conforming to his

1805 desires. Under the inspiration of Pitt, the British parliament, in the winter of 1804-05, passed a number of acts designed to draw all West India trade into British hands.

British
Insolence

Certain of the West India ports were declared in a state of blockade, as were also the ports in French hands along the Straits of Dover and the English Channel. American vessels were seized in many parts of the world and British vessels, the "Cambrian," the "Driver," and the "Leander," that were watching two French frigates in the harbor of New York, practically instituted a blockade of that port. "Every morning at daybreak," says Basil Hall, then a midshipman on the "Leander," "we set about arresting the progress of all the vessels we saw, firing off guns to the right and left to make every ship that was running in heave to, or wait until we had leisure to send a boat on board 'to see,' in our lingo, 'what she was made of.' I have frequently known a dozen, and sometimes a couple of dozen, ships lying a league or two off the port, losing their fair wind, their tide, and worse than all their market, for many hours, sometimes the whole day, before our search was completed." Any informality in a ship's papers or other suspicious circumstance meant seizure, detention, damage, "and at best release, with no small chance of re-seizure and condemnation under some new rule before the ship could reach port."

British
Outrage

Nor was this all. The British officers took from such vessels every seaman whom they had any reason to suppose was a British subject. After Pitt returned to power, impressments rapidly increased and soon averaged, it is said, about a thousand a year. Many of those thus seized were not "British" at all but native-born Americans who had pleased the fancy of the overbearing officer who looked over the crew. In such cases, redress was extremely slow. "Where an American-born citizen had been seized who could prove his birth, Madison on receiving the documents sent them to Monroe, who transmitted them to the British Admiralty, which ordered an inquiry; and if the man had not been killed in action or died of disease

and hard usage, he was likely, after a year or two of 1805 service, to obtain a release."

At first, neither seizures nor impressments roused any considerable desire for war on the part of the mercantile

The Love
of Money

Treasury Department
October 8th 1812.

Sir I have the honor to enclose the copy of a letter from the Collector of Norfolk, and of a correspondence which has taken place between him and the British Consul at that place, on the subject of a seaman stated to have been a deserter from a British Frigate. Whether it can be thought necessary to give any instruction, on that subject, to the collector, is a question which does not fall within the province of this Department.

I have the honor to be,
very respectfully,
Sir, your obedient servant
Albert Gallatin

The Secretary
of State

Letter by Albert Gallatin respecting a Seaman claimed to be a Deserter from a British Frigate

and seafaring classes. For this there was a sordid motive; commerce found its interest in submission. Seizures and impressments were vexatious, but the profits of neutral trade were enormous and, hateful as were the British cruisers, they at least served as a protection from

1805 the privateers of Spain and France. After the renewal of the war, American shipping increased at the rate of perhaps seventy thousand tons annually. To man these added ships required more than four thousand sailors and, of this number, it is estimated that about twenty-five hundred were British. Britain's naval service was hard and the treatment accorded her seamen was brutal, while in the British merchant marine wages were much lower than on American merchant ships. Consequently, when a British war-ship or merchant vessel entered an American port, her seamen deserted by scores. Although the British navy by impressment recovered about one thousand annually, this was but a fraction of the loss. American ship-owners saw that if "the United States government went to war to protect British seamen, America would lose all her mercantile marine; and these same seamen for whom she was fighting must for the most part necessarily return to their old flag, because they would then have no employer. The immediate result of war must strengthen the British marine by sending back to it ten thousand seamen whom America could no longer employ." Furthermore, the fact that some of the principles at issue had never been definitely settled in international law helped Americans to reconcile pride and profit. The right of search had been often exercised by belligerent powers and the right of expatriation was in dispute with the weight of opinion decidedly against it, most nations holding to the doctrine of "once a Frenchman, always a Frenchman; once an Englishman, always an Englishman."

The Rule
of 1756

When Great Britain and France went to war in 1756, as told in the fourth volume of this history, the British government announced a new principle of international law that contravened the doctrine that "free ships make free goods" and was in direct opposition to the one promulgated by Frederick of Prussia to the effect that the goods of an enemy cannot be taken from the ships of a friend. The new law that England, the greater naval power, aimed directly at France, the weaker naval

power, and attempted to dictate to other European nations for her own selfish purposes was that "no other trade should be allowed to neutrals with the colonies of a belligerent in time of war than what is allowed by the parent state in time of peace."

Neutral ships had long evaded the rule of 1756 by making "interrupted voyages." For instance, instead of carrying the products of French, Spanish, or Dutch colonies directly to Europe or vice versa, American shippers had been in the habit of sending such cargoes into an American port, entering the goods at the custom-house, paying or pretending to pay the duty on them, and then clearing for the real destination. In 1800, a test case, that of the ship "Polly," had come before the high court of admiralty, the decision of which, handed down through Sir William Scott, the highest English authority on maritime international law, upheld the American contention that such procedure broke the continuity of the voyage and legalized the trade. Supposing that this ruling would be followed, hundreds of American ship-owners adopted the plan. In September, 1805, however, there came to America the news of a different decision. A Salem ship, the "Essex," had sailed from Barcelona to its home port, landed its cargo, given bonds for the payment of the duty if its goods were not exported, and then, reladen with the same cargo, had sailed for Havana. On the way thither she was captured and, when the case came before the lords commissioners of admiralty, Judge Sir William Scott practically reversed his decision of 1800, held that the "Essex" and her cargo were good prizes, and laid down the principle that any such vessel was liable to confiscation "unless the neutral owner could prove, by something more than the evidence of a custom-house entry, that his original intention had been to terminate the voyage in an American port." In other words, if such intention could not be shown, all proceedings in the neutral territory, even though they amounted to landing the goods and paying the duty, could not be taken into consideration and the voyage must be regarded

American
Chicane

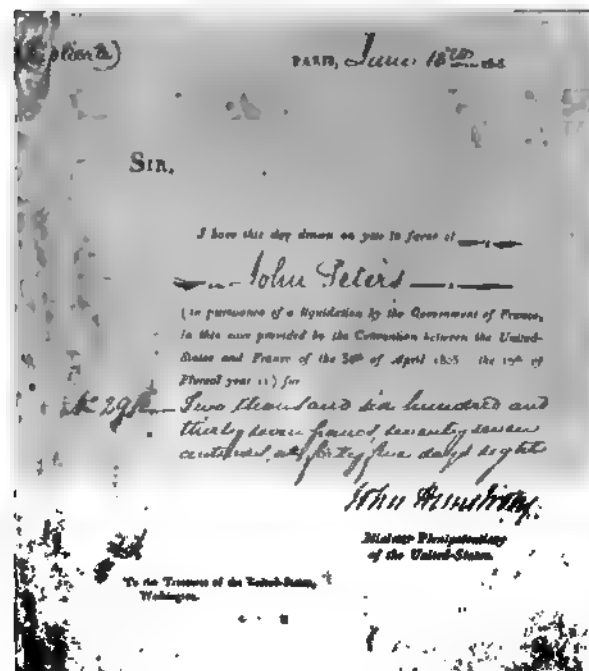
July 23

1805 as a continuous one artfully interrupted. If the rule of 1756 was good law, it is evident that this decision was reasonable.

An American
Panic

This decision led to the seizure of scores of other vessels and wild confusion followed. Many merchants found themselves without warning on the brink of ruin. Some, whose ships were hardly a day from land, sent off swift-sailing vessels to bring them back. Others less fortunate waited in daily expectation of news that their vessels had been libeled in the vice-admiralty courts at Halifax or New Providence. Still others, whose cargoes were safe

in the
ware-
houses or
lay on the
wharves,
were at a
loss what
to do.
From
Machias
to Norfolk
the American sea-
board
"burst
into excite-
ment, and
demanded
that the
President
should do
some-
thing."



Notice of Draft for Payment of Claim of one John Peters

A
Napoleonic
Suggestion

The contemplated alliance with England was now out of the question. Jefferson no longer thought of intimidating both France and Spain; instead of winning the Floridas by conquest, he decided to buy them. Late in August, a French political agent had brought to John

Armstrong, the American minister to France, an unsigned paper in the handwriting of Talleyrand in which the United States was advised to send another note to Spain and to suggest that the subjects in dispute be referred to Napoleon. If Spain consented to arbitrate, Napoleon would decree that the United States should have the Floridas and Texas to the Colorado River upon the payment of ten million dollars, that the Spanish spoliation claims should be settled, and that Spain should have the same commercial privileges in the Floridas that she enjoyed in Louisiana. At a subsequent interview, the emperor lowered the money payment to seven millions from which was to be deducted the claims on Spain; Armstrong transmitted Talleyrand's memorandum to Jefferson who received it about the middle of November.

1805
September 4

This proposal confirmed Jefferson in his determination to try to conquer by peace. Although satisfied that the European powers were so busily engaged at home that they would have no time for war in America, the president sent to congress a message that was warlike in tone; it contained suggestions as to the fortification of seaports, the organization of the militia, and an increase of efficiency in the navy. This message expressed the "ostensible" policy of the president. His real policy was announced in a secret message sent to congress three days later. This dealt in detail with our difficulties with Spain, but, instead of suggesting that the knot be cut with the sword, hinted at a financial settlement. The message was at once referred to a special committee of which John Randolph was chairman. The president frankly explained to Randolph that he wanted a secret appropriation of two million dollars for the purchase of Florida, and Randolph just as frankly informed the president that the proposition was disgraceful and should never receive his sanction. Instead of submitting, with the expected cheerful promptitude, the resolutions that Jefferson had carefully prepared, Randolph's committee reported to the house in secret session a resolution for raising troops for the

Randolph
Recalcitrant

December 3

January 3,
1806

I 8 O 5 protection of the southern frontier "from Spanish inroad and insult and to chastise the same."

The Yazoo
Claims

Page 115

Randolph's attitude grew, in the main, out of his hostility to what were known as the Yazoo claims and out of his jealousy and dislike of Madison, the secretary of state. The beginnings of the Yazoo question have already been described. In Adams's administration, provision had been made for a commission to settle the disputed claims of the United States and Georgia and the Yazoo companies in what was then Mississippi Territory, but nothing was done until Jefferson came into power. The commission consisted of Madison, Gallatin, and Lincoln, representing the United States, and senators Jackson and Baldwin and Governor Milledge, representing Georgia. The commission finally agreed that Georgia should be given her present boundaries and twelve hundred and fifty thousand dollars from the sale of public lands in Mississippi, that the United States should, as soon as practicable, extinguish Indian titles within the boundaries of the state, that Mississippi should be admitted to the Union as a slave state as soon as the population reached sixty thousand, and that five million acres of lands should be set aside to satisfy the claims arising under the various grants made by the Georgia legislature in 1789 and 1795.

The Defeat
of the
Claimants

January,
1803

John Randolph, although later guilty of a "flagrant bit of diplomatic jobbery," delighted to pose as a representative of Roman virtue. He had been an eye-witness of the scenes in the Georgia legislature in 1795 and no doubt was honestly hostile to the Yazoo claimants. He persisted in believing that Madison was responsible for the provision setting aside land to meet the claims, although this was largely the work of Gallatin, one of Randolph's closest friends. When a bill ratifying the commissioners' arrangement came before the house of representatives, Randolph savagely attacked it and succeeded in defeating action upon the measure. Early in 1805, the Yazoo claimants secured the services of Gideon Granger, the postmaster-general, to push their interests.

The manifestly improper appearance of Granger lobbying for the passage of the Yazoo bill roused Randolph's frenzy; in the debate he surpassed even himself in the use of vituperative language. In the end, he again managed to prevent favorable action upon the bill. 1 8 0 5

Randolph prided himself on being an "Old Republican" and thought that the administration was becoming federalized. The Chase impeachment had created a breach between him and the president and the breach was widened by a belief that Jefferson, who had announced that he would not be a candidate for a third term, was grooming Madison as his successor. Randolph thought that Madison was weak and vacillating and a "Yazoo man;" the two were temperamentally antagonistic. Randolph communicated his prejudices to Macon and a few faithful friends and the political faction known to history as the "Quids" was formed. The Quids

Such were some of Randolph's motives for opposing the president's request for the Florida appropriation. He wished to destroy Madison's prospects of becoming president and hoped that he had found a way to do so. He was almost constantly on the floor; no terms were too opprobrious for him to apply to those who opposed him. Bidwell and Varnum of Massachusetts, who had communicated the president's wishes to the house, he stigmatized as "back-stairs favorites" and as "pages of the presidential water-closet." On a test vote, he managed to muster fifty-eight nays to seventy-two yeas, but beyond that he could do nothing. On the sixteenth of January, a bill appropriating two million dollars "for extraordinary expenses of foreign intercourse" was passed by the house and, on the seventh of February, it was passed by the senate. James Bowdoin of Massachusetts, who had been appointed to succeed Pinckney as minister to Spain, and Armstrong were authorized to offer five million dollars for the Floridas and Texas to the River Colorado. Congress Votes the Money

In the hope of conciliating Napoleon, who now dominated Spanish politics, congress also passed an act regarding November, 1804 A Disgraceful Submission

1805 the Santo Domingo trade. Talleyrand had written
 1806 that the United States "must" prohibit trade with Santo
 Domingo which was still in rebellion against France and
 an act to that effect, limited to one year, was actually
 passed in February, 1806. It has been pleaded in miti-
 gation that "the Southern States dreaded the rebel
 negroes of Hayti more than they feared Napoleon."
 Even Randolph did not oppose the bill, but merely
 absented himself when the vote was taken.

Concerning
 Seizure, Im-
 pressment,
 and Non-
 importation

January 29,
 1806

Early in the session, the subject of seizure and impress-
 ment was taken up by congress but in so mild a manner
 that most of January was gone before anything was really
 done. The administration regarded the Spanish question
 as more important, and Jefferson and many other Repub-
 licans, including Macon, the speaker of the house, cared
 little for commerce and were indifferent as to whether
 England or New England carried their tobacco to market.
 National honor, however, required that something should
 be done. The commercial articles of Jay's treaty had
 expired and many thought that a non-importation law
 shutting out the thirty-five million dollars' worth of
 British imports would bring Great Britain to reason.
 Resolutions favoring such an act were introduced in both
 houses, but there were great differences as to how radical
 such a measure should be. A resolution introduced in
 the house by Joseph Gregg of Pennsylvania provided for
 the total exclusion of all imports from Great Britain and
 every British colony or dependency, but southern members
 who raised cotton and tobacco, who found a market in
 London, and who depended on London for every article
 they used, inclined to favor merely non-importation of
 specific articles that could be produced at home or obtained
 without too great hardship from some other foreign
 state. Along these lines were resolutions introduced by
 Nicholson in the house and by Smith in the senate.
 Another argument that weighed heavily against total
 non-importation was that it would decrease the revenue
 by about five and one-half millions annually, an argument
 the full force of which was felt by Gallatin.

In the debates that followed, Randolph, who was now at open war with the administration, struck out ferociously, each indiscriminating blow leaving an irritating wound. With the fabled power of the porcupine, he shot his barbed darts on every side; wherever one hit it hurt and worked its way deeper into the flesh and then hurt worse than before. He declared that the threatened commerce was not an honest trade, but a "mushroom," a "fungus of war." The foreign policy of the president was "pusillanimous," and American merchants were "slippery eels." He contended that non-importation was unmanly and that, for the sake of dishonest gains, the spirit of avaricious trade would plunge us into war. If this great agricultural country was to be governed by Salem and Boston, New York and Philadelphia, Baltimore and Norfolk and Charleston, let a committee of safety be appointed from those towns to carry on the government. "I will never consent to go to war for that which I cannot protect. I deem it no disgrace to say to the Leviathan of the deep we are unable to contend with you in your own element, but if you come within our actual limits, we will shed our last drop of blood in their defence." Again, he cried: "What! shall this great mammoth of the American forest leave his native element and plunge into the water in a mad contest with the shark? . . . After shrinking from the Spanish jackal, do you presume to bully the British lion? . . . Are you mad enough to take up the cudgels that have been struck from the nerveless hands of the three great maritime Powers of Europe?" The "shrinking from the Spanish jackal" was a stinging reference to the apparent indifference of the administration to the actual invasion of our territory by Spaniards as well as to the further fact that after the administration had asked for the recall of Yrujo, the Spanish minister, and while he was still hovering around Washington, Madison notified him that his presence was offensive to the president and that Yrujo published two insolent replies to the general effect that he would stay as long as he pleased and go when he got ready.

I 8 0 6

Riotous
Rhetoric

March 5

1 8 0 6

Discipline
Leads to
Melodrama

Although there was no one in the house who could stand before Randolph in debate, the eccentric orator was no match for Jefferson in the game of practical politics. At first, Randolph managed to carry with him twenty-five or thirty of the ablest Republicans in congress, but he soon found that the president was undermining his position. The northern Republicans hated Randolph and were easily kept in line, while the Federalists had felt the sting of his invective too many times to love him. Joseph Nicholson, one of Randolph's closest friends, was detached from the insurgents by an appointment as judge of the Maryland circuit. The Maryland Smiths, who had shown a disposition to go over to the enemy, were whipped into line. Although overtures to Macon failed, Randolph's rebellion soon collapsed. As his following dwindled, sauciness degenerated into malignity and, before the end of the session, he sent a challenge to one member, spoke of another as "a toothless driveller, superannuated and in his dotage," and bade a third to "go down the back-stairs, sir; go down the back-stairs; that's the place for you." His propositions were studiously strangled and, when parliamentary discipline was threatened, he frantically slapped his head and cried: "Clap on the crown of thorns!"

Merciful
Retaliation

January 23

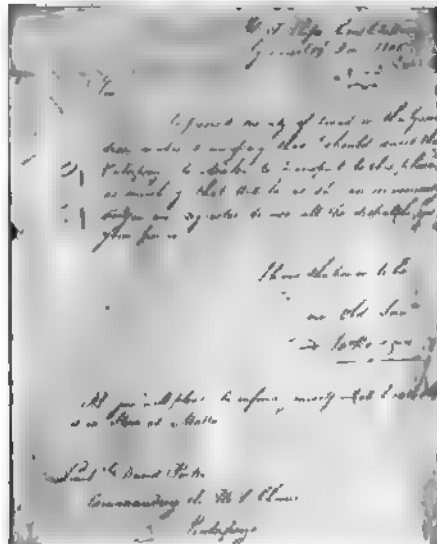
While the great debate went on, came news that Fox and the "Ministry of all the Talents" had come to power in England, Pitt having died broken-hearted by the news from Austerlitz. A more favorable disposition toward America was expected and the unwisdom of taking a hostile step while negotiations were pending was vigorously urged. Finally, by Nicholson's substitute, the non-importation scheme was cut down until it applied only to certain specified articles all of which could be obtained from sources other than England, and its operation was postponed until the middle of November. This emasculated measure, Randolph called it "a milk-and-water bill, a dose of chicken broth to be taken nine months hence," passed the house by a party vote, the Federalists and six or seven "Quids" voting solidly against it. It passed the

March 26

senate in the following month, six days before the closing 1806 of the session.

The opposition of the Federalists was inspired by motives other than those that actuated Randolph. A spirit of factiousness, friendship for England, and an unwillingness to interrupt the course of peaceful and profitable commerce doubtless played their part. There were some Federalists who were willing to risk hostilities for the defense of neutral rights, but even they could see no good to come from commercial restrictions unsupported by serious preparations for war, and to such measures the administration was not favorably disposed. A bill prohibiting the exportation of arms was dropped and the familiar formality of authorizing the president to call out the militia was enacted. The munificent sum of a hundred and fifty thousand dollars was appropriated for the defense of ports and harbors in spite of the ridicule of the Federalists who declared that it was not a quarter enough for the defense of New York alone. Only two of the American frigates, the "Constitution" and the "Chesapeake," were fit for service, yet an appropriation for the needed repairs of the others was voted down. While the war with Tripoli was on, appropriations had been made for fifteen gunboats and other craft, including two sloops of war; the "Hornet" had been fitted out and, about this time, the "Wasp" was launched, the last addition of any consider-

Puny
Preparation



Letter by Commodore John Rodgers to Lieutenant David Porter ordering him to Malta to obtain Bread for the United States Squadron at Syracuse

1806 able size made to the American navy for six clouded years. At the same time, four brigs, two schooners, and two bombs were laid up in ordinary and allowed to deteriorate. A committee of the house reported in favor of voting six hundred and fifty thousand dollars for building six "seventy-fours," but only thirty members could be found to vote for such a measure. Piratical privateers were capturing American vessels in American waters, a British squadron was using New York harbor as a cruising station, and congress appropriated money for the building of fifty little gunboats at an average cost of five thousand dollars each and authorized the president to employ a naval force of nine hundred and twenty-five seamen, "not enough to man three frigates, of which two were required for the Mediterranean service." On the twenty-first of April, congress adjourned.

A Commission to England

Jefferson was trusting to diplomacy rather than to the man behind the gun to adjust the difficulties with England, but the negotiations were not to be left to Monroe alone. Randolph, Macon, and other "Old Republicans" were planning to bring out Monroe as a presidential candidate in opposition to Madison, and Madison's friends were willing to minimize the importance of Monroe. To aid Monroe and to succeed him when the negotiations were



Autograph of William Pinkney

over, the president selected William Pinkney of Maryland, a man of polished manners, conservative

views, and Federal antecedents who had lived for years at London. The instructions for the two negotiators were full and explicit. They were to explain the non-importation act and to insist upon the abandonment of impressment as the condition of its repeal. They were authorized to abandon the principle of "free ships make free goods" in case they could secure the recognition of the rights of neutrals to engage in colonial trade, but they were, under no condition, to admit the validity of the rule of 1756, the

May 17

English doctrine regarding the subject of interrupted voy- 1 8 0 6
ages, or the British contention that notice served upon
the minister of a neutral nation was sufficient notice of a
blockade. They were also to insist that no vessels should
be captured or searched west of the Gulf Stream or within
four leagues of shore.

Congress had hardly adjourned when an outrage more The "Leander" Incident
flagrant than any that had yet occurred took place. The
British war-ship "Leander," lying off New York, sent
officers and boats up to the city for water and provisions;
meanwhile her captain improved his time by searching
vessels going in and out in the hope of making a prize
or of impressing a few seamen. A shot fired over the
bow of a passing vessel ricocheted over the stern of an
American coaster far beyond and killed the man at the
helm. Of course, Captain Whitby did not intend the April 25
murder of John Pierce, but the reckless firing and the
choice of such a place for exercising the right of search
was a demonstration of British contempt for American
naval rights under an administration that had thrown
away the power to punish outrage and showed little
disposition to resent insult. When the dead seaman's
body was taken to the city, there were great excitement
and indignation. The British officers and men on shore
had to hide themselves to escape the popular wrath, the
"Leander's" boats and provisions were seized, and Captain
Whitby was indicted for murder. The Federalists seized
upon the incident as party capital and denounced the spirit-
less conduct of the administration. "Millions for tribute,
not a cent for defense" was one of the derisive toasts of the
hour. Outside of New York, the excitement was less intense
and Jefferson discounted the popular outburst, well know-
ing that it had been overdone for political effect. Within
a fortnight after the outrage, he wrote: "The late change May 4
in the ministry I consider as insuring us a just settlement
of our differences, and we ask no more. In Mr. Fox,
personally, I have more confidence than in any man in
England." Hoping thus for a peaceful adjustment of all
differences, he contented himself with closing the ports

1806 of the United States to the "Leander," the "Cambrian," and the "Driver" and ordering the arrest of Captain Whitby whenever found in American jurisdiction.

Delay

There is no doubt that Fox was friendly and there were premature announcements of successful negotiations.

Glorious News!

Republicans Attend—Read—Rejoice!

See what that illustrious President and excellent man, MR. JEFFERSON, has done for us! All matters in dispute with England are by this time settled—The President has liberated our captive seamen, and by his vigilance and wisdom, will avert war and accomplish all our objects.

The following is from Mr. Lang's Royal Gazette of THIS MORNING.—
Read it—read it attentively.

NO TORY.

By the Ship Calcutta, Capt. Henderson, from Liverpool.

LONDON, MARCH 10, 1806.

Several conferences have taken place between Mr. Monroe, the American ambassador, and his Majesty's Ministers, relative to the matters in dispute between Great Britain and the United States—and there is every prospect of a speedy and amicable adjustment of ALL DIFFERENCES. Twenty-five American Seamen were discharged on Friday at Portsmouth from the *Ville de Milan* frigate, Sir R. Laurie, lately returned from the Halifax station. An order we understand has been received to discharge all American subjects from our ships.

April 30

May 16

Broadside announcing Success of Monroe's
Negotiations with England

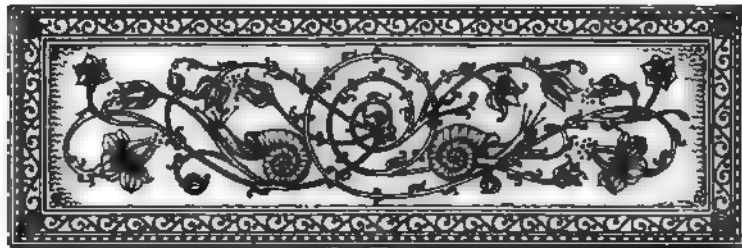
But there were many difficulties, and the new minister was forced to adopt half-way measures and to seek by indirection and delay what he could not otherwise secure. On the very day that Madison signed the instructions for Monroe and Pinkney, Monroe received formal notice of a new British order in council issued the day before. The order contained some mitigation of the restrictions on neutral trade but it rested on a principle that was objectionable to Americans. Pinkney did not arrive at London until the twenty-fourth of June and, on that day, Fox was stricken with the gout. Active and earnest negotiations did not begin until late in August, Fox died in September, Napoleon issued his famous Berlin decree in November, and the pending treaty was not signed until the last day of December—all of which will be set forth more fully in the second chapter of the next volume of this history.

The Troubles
of a President

At this time, Jefferson had other troubles than foreign complications and the Randolph revolt. In New York,

the Livingstons and the Clintons parted company and, 1806 in Pennsylvania, factions that had been hushed during the campaign of 1804 were renewed with such virulence that a coalition between the Federalists and the "Constitutionalists" led to a victory over the "Friends of the People." McKean was reelected by the combined conservative votes of the state and was soon turning Republicans out of office and putting Federalists in their places. Thus William Tilghman, one of President Adams's short-lived circuit judges, became chief-justice of Pennsylvania. Duane, the editor of the *Aurora*, having lost the public printing and stationery contracts through a combination of Federalists and "Quids," began a series of attacks on the president and was bound over to keep the peace. In Connecticut, several prominent men were indicted in the federal courts for scandalous utterances against the president. Added to these difficulties, were disquieting rumors of a mysterious conspiracy that aimed at the secession of the West.





A P P E N D I C E S

CONSTITUTION OF THE UNITED STATES—1787

(See vol. 6, page 436.)

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of Free persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Execu-

tive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION 4. The Times, Places and manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a Compensation for their services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION 7. All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall

become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; — And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner chuse the President. But in chusing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No person except a natural born Citizen, or a Citizen of the United States, at the time of

the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION 3. He shall from time to time give to the Congress Information of the state of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and, in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different

States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury: and such Trial shall be held in the State where the said Crimes shall have been committed: but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union: but no new State shall be formed or erected within the Jurisdiction of any other State: nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States: and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven, and of the Independence of the United States of America the Twelfth. *In witness whereof* We have hereunto subscribed our Names,

GO: WASHINGTON—
Presidt., and Deputy from Virginia.

New Hampshire

JOHN LANGDON,

NICHOLAS GILMAN.

Massachusetts

NATHANIEL GORHAM,

RUFUS KING.

Connecticut

WM. SAML. JOHNSON,

ROGER SHERMAN.

New York

ALEXANDER HAMILTON.

New Jersey

WIL: LIVINGSTON,
DAVID BREAKLEY,

WM. PATERSON,
JONA. DAYTON.

Pennsylvania

B. FRANKLIN,
THOMAS MIFFLIN,
ROBT. MORRIS,
GEO. CLYMER,

THOS. FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUV. MORRIS.

Delaware

GEO. READ,
GUNNING BEDFORD, JUN.,
JOHN DICKINSON,

RICHARD BASSETT,
JACO: BROOM.

Maryland

JAMES MCHENRY,
DAN. JENIFER, of St. Thomas,

DAN CARROLL.

Virginia

JOHN BLAIR,

JAMES MADISON, JR.

North Carolina

WM. BLOUNT,
RICH'D DOBBS SPEIGHT,

HUGH WILLIAMSON.

South Carolina
 J. RUTLEDGE,
 CHARLES COTESWORTH PINCKNEY,

CHARLES PINCKNEY,
 PIERCE BUTLER.

Georgia
 WILLIAM FEW,
 Attest :
 ABR. BALDWIN.
 WILLIAM JACKSON, *Secretary*.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

[ARTICLE I. See page 34.]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[ARTICLE II. See page 34.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[ARTICLE III. See page 34.]

No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[ARTICLE IV. See page 34.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[ARTICLE V. See page 34.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[ARTICLE VI. See page 34.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

[ARTICLE VII. See page 34.]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[ARTICLE VIII. See page 34.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[ARTICLE IX. See page 34.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[ARTICLE X. See page 34.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[ARTICLE XI. See page 159.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

[ARTICLE XII. See page 364.]

The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate;— The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;— The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-president, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

[ARTICLE XIII. In force Dec. 18, 1865.]

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

[ARTICLE XIV. In force July 20, 1868.]

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which

Franklin D. Roosevelt

[illegible][illegible]

FIRST PAGE OF WASHINGTON'S FAREWELL ADDRESS

(From original manuscript in the New York Public Library, Lenox Building)

WASHINGTON'S FAREWELL ADDRESS

[See page 173]

From the original manuscript in the Emmet Collection, New York Public Library, Lenox branch. This is a careful reprinting, showing the peculiarities of capitalization, punctuation, paragraphing, erasure and interlineation of the original, more faithfully perhaps than has been attempted hitherto. Figures within brackets show pagination of original manuscript and the beginning and ending of the same are shown in photographic facsimile.

[Page 1]

Friends, & Fellow-Citizens

The period for a new election of a Citizen, to administer the Executive government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person, who is to be clothed with that important trust ~~for another term~~, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.—

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation, which binds a dutiful Citizen to his country — and that, in withdrawing the tender of service which silenc[e] in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past ⁱkindness; but ~~act under~~ ^{am supported by} [Page 2] a full conviction that the step is compatible with both.

The acceptance of, & continuance hitherto in, the office to which your Suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire.— I constantly hoped, that it would have been much earlier in my power, consistently with motives, which I was not at liberty to disregard, to return to that retirement, from which I had been reluctantly drawn.—The strength of my inclination to do this, previous to the last Election, had even led to the preparation of an address to declare ^{it} ~~Λ~~

to you; but mature reflection on the ^{then} perplexed & critical posture of our affairs with foreign Nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.—

I rejoice, that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty, or propriety; & am ^{persuaded} ~~that~~ whatever partiality ~~any portion~~ ^{be} ~~of you~~ may ^{ed} ~~yet~~ retain ^{that} ~~for my services, even they,~~ ^{you} ~~in the present circumstances of our country,~~ ^{with} ~~will not disapprove my determination to retire.—~~

The impressions, ^{undertook} ~~under~~ which, I first ~~accepted~~ the arduous trust, were explained on the proper occasion.— In the discharge of this trust, I will only say, that I have with good intentions, contributed towards the

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Organization, ^{perhaps} ~~and~~ Administration of the government, the best exertions of which a very fallible judgement was capable.— Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own ^{strengthened} ~~eyes,~~ ^{not lessened} still more in the eyes of others, has ~~not lessened~~ the motives to diffidence of myself; and every day the encreasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome.— Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.— ~~May I also have that of knowing in my retreat, that the involuntary errors, I have probably committed, have been the sources of no serious or lasting mischief to our country. I may then expect to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government; the ever favorite object of my heart, and the happy reward, I trust, of our mutual cares, dangers & labours.—~~

obliterated—to avoid the imputation of affected modesty

In looking forward to the moment, which is ^{intended} ~~is~~ ^{me} ~~to~~ terminate the career of my public life, my feelings do not permit ~~to~~ suspend the deep acknowl-

edgment ~~demanded by~~ of that debt of gratitude w^{ch}. I owe to my beloved country,— for the many honors it has conferred upon me; still more for the steadfast^[Page 4] confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful & persevering, though^{in usefulness} unequal ~~in usefulness~~ to my zeal.— If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that ~~the constancy of your support~~, under circumstances in which the Passions agitated in every direction were liable to ~~wander~~^{mislead} ~~& fluctuate~~, amidst appearances sometimes dubious,— viscissitudes of fortune often discouraging,— in situations in which not unfrequently want of success has countenanced the spirit of criticism,^{the constancy of your support}— was the essential prop of the efforts, and ~~the~~^a guarantee of the plans by which they were effected.— Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows ~~the only return I can henceforth make~~ that Heaven may continue to you the choicest tokens of its beneficence — that your Union & brotherly affection may be perpetual — that the free constitution, which is the work of your hands, may be sacredly maintained — that its Administration in every department may be stamped with wisdom and virtue — that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory ~~or satisfaction~~^[Page 5] of recommending it to the^a applause, the affection — and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, ^{urge me on an occasion like the present, to offer} ~~encouraged by the remembrance of your indulgent reception of my sentiments on an occasion not dissimilar to the present, urge me to offer~~ to your solemn contemplation, and to recommend to your frequent review, some sentiments; which are the

result of much reflection, of no inconsiderable observation ~~& experience~~, and which appear to me all important to the permanency of your felicity as a People.— These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, ^{possibly} who can ^{possibly} have no personal motive to bias his counsel[.]*

* Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion

P -new Paragraph

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment. ¶ The Unity of Government which constitutes you one people is also now dear to you.— It is justly so; — for it is a main Pillar in the ^{the support}

Edifice of your real independence, ^{of} your tranquility at home; your peace abroad; of your safety; ~~in every relation~~ — of your prosperity; ~~in every shape~~ — of that very Liberty which you so highly prize.— ^{different [Page 6]}

But as it is easy to foresee, that from ~~various~~ ^{different} causes & from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; — as this is the point in ^{political} your ^{political} fortress against which the batteries of internal & external enemies will be most constantly and actively (though often covertly & insidiously) directed, it is of infinite moment, that you should properly estimate the immense value of your national Union to your collective & individual happiness; — that you should cherish ~~towards it~~ ^{to it; accustoming yourselves to think and speak} a cordial, habitual & immoveable attachment; — ~~that you should accustom yourselves to~~ of it as of the Palladium of your political safety and prosperity; watching for its preservation ~~revere it as the Palladium of your political safety and prosperity,~~

with jealous anxiety; discountenancing whatever may suggest even a suspicion that it ~~adapting constantly your words and actions to that momentous idea,~~ can in any event be abandoned, and indignantly frowning upon the first dawning of every ~~that you should watch for its preservation with jealous anxiety; discountenancing whatever may suggest a suspicion that it can in any event~~ attempt to alienate any portion of our Country from the rest, or to enfeeble the ~~sacred ties which now link together the several parts.~~ ^{which now link together the various parts.} ~~be abandoned; and frown upon the first dawning of any attempt to alienate any portion of our Country from the rest, or, to enfeeble the sacred ties which now link together the several parts.~~

For this you have every inducement of sympathy and interest.— ^{by birth or choice of a common country,} Citizens ~~of a common country by birth or choice,~~ that country has a

right to concentrate your affections.—The name of American, which belongs to you, in your national capacity, must always exalt the just pride of Patriotism, more than any appellation ~~to be~~ derived from local
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discriminations.—With slight shades of difference, you have the same Religion, Manners, Habits & political Principles.—You have in a common cause fought & triumphed together—The independence & liberty you possess are the work of joint councils, and joint efforts—of common dangers, sufferings and successes.—

But these considerations, however powerfully they address themselves to your sensibility are greatly outweighed by those which apply more immediately to your Interest.—Here every portion of our country finds the most commanding motives for carefully guarding & preserving the Union of the whole.

The North, in an ^{restrained} unfettered intercourse with the South, protected by the equal Laws of a common government, finds in the productions of the latter, ~~many of the peculiar~~ ^{and} great additional resources of maritime & commercial enterprise—^{precious} materials of manufacturing industry.—The South in the same Intercourse, benefitting by the Agency of the North, sees its agriculture grow & its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated;—and while it contributes, in different ways, to nourish & increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted.—The East, in a like intercourse with the West,
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already finds, and ⁱⁿ the progressive improvement of interior communications, by land & water, will more & more find a valuable vent for the commodities which it brings from abroad, or manufactures at home.—The West derives from the East ^{still} supplies requisite to its growth & comfort,—and what is perhaps of ^{greater} consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of

Interest as one Nation.—^{Any other} ~~The~~ tenure by which the West can hold this ^{whether derived} essential advantage, ~~either~~ from its own separate strength, or from an apostate & unnatural connection with any foreign Power, must be intrinsically precarious; ~~liable every moment to be disturbed by the fluctuating combinations of the primary interests of Europe, which must be expected to regulate the conduct of the Nations of which it is composed.~~

And While^{then} every part of our country thus ^{feels} ~~finds~~ an immediate & particular Interest in Union, all the parts ^{combined cannot fail to find} of ~~it~~ in the united mass of means & efforts ~~can not fail to find~~ greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their Peace by foreign Nations; — and, ^{what is} ~~which is an advantage~~ of inestimable value! they must derive from Union an exemption from those broils and Wars between themselves, which ^{[Page 9] so frequently} ~~inevitably~~ afflict neighbouring countries, not tied together by the same government; ^{alone} which their own rivalships^{alone} would be sufficient to produce, but which opposite foreign alliances, attachments & intrigues would stimulate & embitter.— Hence likewise they will avoid the necessity of those overgrown Military establishments, which under any form of Government are inauspicious to liberty, and which ^{are to be} ~~there is reason to~~ regard^{ed} as particularly hostile to Republican Liberty: In this sense it is, that your Union ought to be considered as a main prop of your liberty, ^{and} ~~that~~ the love of the one ought to endear to you the preservation of the other.—

These considerations speak a persuasive language to ^{every} ~~any~~ reflecting & virtuous mind,—^{and} ~~They~~ exhibit the continuance of the Union as a primary object of Patriotic desire.— Is there a doubt, whether a common government can embrace so large a sphere? — Let experience solve it. — To listen to mere speculation in such a case were criminal.— ^{We} ~~It is~~ ^{are authorized} ~~natural~~ to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective Subdivisions, will afford

a happy issue to the experiment.— 'Tis well worth a fair and full experiment.

~~It may not possibly be found, that the spirit of party, the machinations of foreign powers, the corruption and ambition of individual citizens,~~
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~~are more formidable adversaries to the Unity of our Empire, than any inherent difficulties in the scheme. Against these, the mounds of national opinion, national sympathy and national jealousy ought to be raised.~~

With such powerful and obvious motives to Union, ^{affecting} ~~as~~ all parts of our country ~~have~~, while experience shall not have demonstrated its impracticability, there will always be ^{reason} ~~cause, in the fact itself~~, to distrust the patriotism of those, who in any quarter may endeavor to weaken its bands.—

~~Besides the more serious causes already hinted as threatening our Union, there is one less dangerous, but sufficiently dangerous to make it prudent to be upon our guard against it. I allude to the petulances of party differences of opinions. It is not uncommon to hear the irritations which these excite vent themselves in declarations, that the different party differences of opinions. It is not uncommon to hear the irritations the Union will be dissolved by this or that measure. Intimations like these are as indiscreet as they are intemperate. Though frequently made with levity, & without any really evil intention, they have a tendency to produce the consequences which they indicate. They teach the minds of men to consider the Union as precarious as an object to which they ought not to attach their hopes and fortunes, and thus~~
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~~chill the sentiment in its favor. By alarming the pride of those to whom they are addressed, they set ingenuity at work to depreciate the value of the thing and to discover reasons of indifference towards it. This is not wise. It will be much wiser to habituate ourselves to reverence the Union as the palladium of our national happiness—to accommodate the Union will be dissolved by this or that measure. Intimations like whatever may suggest a suspicion that it can in any event be abandoned.~~

In contemplating the causes ^{ch} ~~w~~ may disturb our Union, it occurs as

any ground should have been furnished for matter of serious concern, that ~~our parties for some time past have been~~ characterizing parties by ~~too much characterized by~~ Geographical discriminations — Northern and Southern — Atlantic and Western; ^{whence designing men may endeavour} ~~These discriminations, the more~~ difference

to excite a belief that there is a real of local interests and views.

~~contrivance of the spirit of Party, (always dexterous to seize every handle by which the passions can be wielded, and too skilful not to turn to account the sympathy of neighborhood), have furnished an argument against the Union, as evidence of a real difference of local interests and views; and serve to hazard it, by organizing larger districts of country under the leaders of contending factions, whose rivalships, prejudices & schemes of ambition, rather than the true Interests of the Country, will direct the use of their influence. If it be possible to correct this poison~~

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~~in the habit of our body politic, it is worthy the endeavors of the moderate and the good to effect it.~~

One of the expedients of Party to acquire influence, within particular districts, is to misrepresent the opinions & aims of other Districts.— You cannot shield yourselves too much against the jealousies & heart burnings which spring from these misrepresentations.— They tend to render alien to each other those who ought to be bound together by fraternal affection.— The Inhabitants of our Western country have lately had a useful lesson on this ^{head.} subject — They have

seen, in the Negotiation by the Executive, and in the unanimous ratification by the Senate, of the Treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their Interests in regard to the Mississippi— They have been witnesses to the formation of two Treaties, that with G: Britain and that with Spain, which secure to them every thing they could desire, in respect to our Foreign relations, towards confirming their prosperity.— Will it not be their wisdom to rely for the preservation of of [*sic*] these advantages on the

^{ch} Union by w . they were procured? — Will they not henceforth be deaf

to those advisers, if such there are, who would sever them from their Brethren and connect them with Aliens? —

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To the efficacy and permanency of Your Union, a Government for the whole is indispensable.—No Alliances however strict between the parts can be an adequate substitute.—They must inevitably experience the infractions & interruptions which all Alliances in all times have experienced.—Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of Government, better calculated than your former for an intimate Union, and for the efficacious management of your common concerns.—This government, the offspring of our own choice uninfluenced and unawed, adopted upon full investigation & mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support.—Respect for its authority, compliance with its Laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true Liberty.—The basis of our political systems is the right of the people to make and to alter their Constitutions of Government.—But the Constitution which at any time exists, 'till changed by an explicit and authentic act of the whole People, is sacredly obligatory upon all.—The very idea of the power and the right of the People to establish Govern-

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ment presupposes the duty of every Individual to obey the established Government.

All obstructions to the execution of the Laws, all combinations and Associations, under whatever plausible character, with ^{the real} design to direct, controul[,], counteract, or awe the regular deliberation and action of the constituted authorities are destructive of this fundamental principle and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force—to put ~~it~~ in the place of the delegated will of the Nation, the will of a party;—often a small but artful and enterprising minority of the Community;—and, according to the alternate triumphs^h of different parties, to make the public administration the Mirror

of the ill concerted and incongruous projects of faction, rather than the Organ of consistent and wholesome plans digested by common councils and modelled by mutual interests.— However combinations or Associations of the above description may now & then answer popular ends, & ~~to purposes~~, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious and unprincipled men will be enabled to subvert the Power of the People, & to usurp for themselves the reins of Government; destroying afterwards the very engines which have lifted them to unjust dominion.—

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Towards the preservation of your ^{Government} and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care ^{the} a spirit of innovation upon its principles however specious the prettexts.— One method of assault may be to effect, in the forms of the Constitution, alterations which will impair ^{and thus to} the energy of the system, ~~to~~ undermine what cannot be directly overthrown.— In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of Governments, as of other human institutions — that experience is the surest standard, by which to test the real tendency of the existing Constitution of a country — that facility in changes upon the credit of mere hypotheses & opinion exposes to perpetual change, from the endless variety of hypotheses and opinion:— and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a Government of as much vigour as is consistent with the perfect security of Liberty is indispensable — Liberty itself will find in such a Government, with powers properly distributed and adjusted,

It is indeed little else than a name, where the Government its surest Guardian.— ~~Owing to you as I do a frank and free disclosure~~ is too feeble to withstand the enterprises of faction, to confine each member of the ~~of my heart, I shall not conceal from you the belief I entertain, that your~~

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Society within ^{limits} prescribed by the laws & to maintain all in the secure & tranquil ~~Government as at present constituted is far more likely to prove too~~ enjoyment of the rights of person & property.— ~~feeble than too powerful.~~

I have already intimated to you the danger of Parties in the State, with particular reference to the founding of them on Geographical discriminations.— Let me now take a more comprehensive view, & warn you in the most solemn manner against the baneful effects of the Spirit of Party, generally.

This spirit, unfortunately, is inseperable from ^{our} human nature, having its root in the strongest passions of the ^{human} mind.— It exists under different shapes in all Governments, more or less stifled, controuled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.— ~~In Republics of narrow extent, it is not difficult for those who at any time hold the reins of Power, and com-~~
~~mand the ordinary public favor, to overturn the established order, in~~
~~favor of their own aggrandisement. The same thing may likewise be~~
~~too often accomplished in such Republics, by partial combinations of~~
~~men, who though not in office, from birth, riches or other sources of~~
~~distinction, have extraordinary influence & numerous retainers. By~~
~~debauching the military force, by surprising some commanding citadel,~~
~~or by some other sudden & unforeseen movement, the fate of the Repub-~~
~~lic is decided.— But in Republics of large extent, usurpation can scarcely~~
~~[Page 17]~~
~~make its way through these avenues. The powers and opportunities of~~
~~resistance of a wide extended and numerous nation, defy the successful~~
~~efforts of the ordinary military force, or of any collections which wealth~~
~~and patronage may call to their aid. In such Republics, it is safe to~~
~~assert, that the conflicts of popular factions are the chief, if not the only~~
~~inlets, of usurpation and Tyranny.~~

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissention, which in different ages & countries has perpetrated the most horrid enormities, is itself a frightful despotism.— But this leads at length to a more formal and permanent despotism.— The disorders & miseries, which result, gradually incline the minds of men to seek security & repose in the absolute powers of an Individual: and sooner or later the chief of some prevailing faction

more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.—

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common & continual mischiefs of the spirit of Party are sufficient to make it the interest and the duty of a wise People to discourage and restrain it.—

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^ It serves always to distract the Public councils and enfeeble the Public administration.— It agitates the Community with ill founded jealousies and false alarms, kindles the animosity of one part against another, foment occasionally riot & insurrection.— It opens the door to the foreign influence & corruption, which find a facilitated access ^{to the} through government itself the channels of party passions.

~~the channels of party passions. It frequently subjects the policy of our~~
Thus and and [sic] the will of one country, are subjected to
~~own country to the policy of some foreign country, and even enslaves~~
the policy and will of another.

~~Besides the more serious causes already hinted as threatening our.—~~

There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of Liberty.— This within certain limits is probably true — and in Governments of a Monarchical cast, Patriotism may look with indulgence, if not with favour, upon the spirit of party.— But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged.— From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose.— and there being constant danger of excess the effort ought to be, by force of public opinion to mitigate & assuage it.— A fire not to be quenched; it demands a uniform vigilance to prevent its bursting into a flame, lest ^{instead of} it should warming it should ~~not only warm but~~ consume.—

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^ It is important, likewise, that the habits of thinking in a free Country should inspire caution in those entrusted with its administration, to confine themselves within their respective Constitutional spheres; avoiding in the exercise of the Powers of one department to encroach upon another.— The spirit of encroachment tends to consoli-

date the powers of all the departments in one, and thus to create under the form of government a real whatever ~~form~~ ^{against} despotism.— A just estimate of that love of power, and the proneness to abuse it, which predominates in the human heart is sufficient to satisfy us of the truth of this position.— The necessity of reciprocal checks in the exercise of political power; by dividing and distributing it into different depositories, & constituting each the Guardian of the Public Weal ~~from~~ ^{against} invasions by the others, has been evinced by experiments ancient & modern;— some of them in our country & under our own eyes.— To preserve them must be as necessary as to institute them.— If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.— But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the ^{customary} ~~usual & natural~~ weapon by which free governments are destroyed.— The precedent of ^[Page 20] ~~it—use~~ must always greatly overbalance in permanent ^{transient} ~~evil~~ any partial or ~~temporary~~ benefit which the use itself can at any time yield.—

Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports.— In vain would that man claim the tribute of Patriotism, who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men & Citizens.— The mere Politician, equally with the pious man ought to respect & to cherish them.— A volume could not trace all their connections with private & public felicity.— Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice?— And let us with caution indulge the supposition, that morality can be maintained without religion.— Whatever may be conceded to the influence of refined education on minds of peculiar structure — reason & experience both forbid us to expect that national morality can prevail in exclusion of religious principle.—

'Tis substantially true, that virtue or morality is a necessary spring of

popular government.— The rule indeed extends with more or less force to every species of Free Government.— Who that is a sincere friend to it, can ^{look} with indifference upon attempts to shake the foundation of the fabric.

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not sufficiently important

~~Cultivate industry and frugality, as auxiliaries to good morals & sources of private & public prosperity. — Is there no room to regret that our propensity to expence exceeds our means for it? — Is there not more luxury among us, and more diffusively, than suits the actual stage of our national progress? — Whatever may be the apology for luxury in a country, mature in the arts which are its ministers, and the cause of national opulence — Can it promote the advantage of a young country, almost wholly agricultural, in the infancy of the arts, and certainly not in the maturity of wealth?~~

* Promote ^{then} as an object of primary importance, Institutions for the general diffusion of knowledge.— In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened[.]

As a very important source of strength & security, cherish public credit.— One method of preserving it is to use it as ^{sparingly} little as possible: — avoiding occasions of expence by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it — avoiding likewise the accumulation of debt, not only by ^{shunning} avoiding occasions of expence, but by vigorous exertions in time of Peace to discharge the Debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear.— The execution of these maxims belongs to your Representatives, but it is necessary that public opinion should ^{cooperate} coincide.— To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be Revenue — that ^[Page 22] to have Revenue there must be taxes — that no taxes can be devised which are

* This paragraph is wafered over the preceding in the original.

not more or less inconvenient & unpleasant — that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining Revenue which the public exigencies may at any time dictate.—

Observe good faith & justice tow^{ds} all Nations ~~& cultivate peace & harmony with all, for in Public, as well as in private transactions, I am persuaded that honesty will always be found to be the best policy.~~ Cultivate peace & harmony with all — Religion & morality enjoin this conduct; and can it be that good policy does not equally enjoin it? — It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a People always guided by an exalted justice & benevolence.— Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages w^{ch} might be lost by a steady adherence to it? Can it be, that Providence has not ⁿconnected the permanent felicity of a Nation with its virtue? — The experiment, at least, is recommended by every sentiment which ennobles human Nature.— Alas! is it rendered impossible by its vices?

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Λ In the execution of such a plan nothing is more essential than that ^{permanent inveterate} ~~rooted~~ antipathies against particular Nations and passionate attachments for others should be excluded; — and that in place of them just & amicable feelings towards all should be cultivated.— The Nation, which indulges towards another ^{an} habitual hatred, or ^{an} habitual fondness, is in some degree a slave.— It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest.— Antipathy in one Nation against another ~~begets of course a similar sentiment in that other~~ — disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur.— Hence frequent collisions, obstinate envenomed and bloody

contests.—The Nation, prompted by ill will & resentment sometimes impels to War the Government, contrary to ^{the best} ~~its own~~ calculations of policy.—The Government sometimes participates in the ^{national} propensity, and adopts through passion what reason would reject; — at other times, it makes the animosity of the Nation subservient to projects of hostility instigated by pride, ambition and other sinister & pernicious motives.—The peace often, sometimes perhaps the Liberty, of the Nations has been the victim.—

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^ So likewise, a passionate attachment of one Nation for another produces a variety of evils.—^m Sympathy for the favourite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one ~~another~~ the enmities of the other, betrays the former into a participation in the quarrels & Wars of the latter, without adequate inducement or justification: — It leads also to concessions to the favourite Nation of privileges denied to others, which is apt doubly to injure the Nation making the concessions — ^{at} . by unnecessarily parting with what ought to have been retained — ^{diy} . by exciting jealousy, ill will, and a disposition to retaliate, in the parties from whom eq. privileges are withheld: And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favourite Nation) facility to betray, or sacrifice the interests of their own country, without odium, sometimes even with popularity; — gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition[, corruption or infatuation.—

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent Patriot.—How many opportunities do they afford to tamper ^[Page 25] ^ with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public Councils! — Such an attachment

of a small or weak, towards a great & powerful Nation, dooms the former to be the satellite of the latter.—

(I conjure you to fellow citizens,) ^{do} believe me ~~my fr~~. Against the insidious wiles of foreign influence, the jealousy of a free people ought to be ~~in~~ constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of Republican Government.— But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it.— Excessive partiality for one foreign nation and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other.— Real Patriots, who may resist the intrigues of the favourite, are liable to become suspected and odious; while its tools and dupes usurp the applause & confidence of the people, to surrender their interests.—

^{in extending our commercial relations} The Great rule of conduct for us, in regard to foreign Nations is ^{to} have with them as little political connection as possible.— So far as we have already formed engagements let them be fulfilled, ^[Page 26] ^{with} ~~circum-~~ ~~spection indeed, but with~~ perfect good faith.— Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation.— Hence she must be engaged in frequent controversies, the cause of which are essentially foreign to our concerns.— Hence therefore it must be unwise in us to implicate ourselves, by ~~an~~ ^{ties} artificial ^{or} connection, in the ordinary vicissitudes of her politics, ~~in~~ the ordinary combinations & collisions of her friendships, or enmities:—

Our detached & distant situation invites and enables us to pursue a different course.— If we remain ^{one} ^{People}, under an efficient government, the period is not far off, when we may defy material injury from external annoyance;— when we may take such an attitude as will cause the neutrality we may at any time resolve ^{upon} ~~to observe~~ to be scrupulously respected;— when ~~neither of two~~ belligerent nations, under the impossibility of making acquisitions ^{not} upon us, will ^{not} lightly hazard the giving us

provocation ~~to throw weight into the opposite scale~~; — when we may choose peace or war, as our interest guided by ^{our} justice shall counsel. —

Why forego the advantages of so peculiar a situation? — Why quit our own to stand upon foreign ground? — Why, by interweaving our destiny with that of any part of Europe, entangle our peace and ^[Page 27] prosperity in the toils of European Ambition, Rivalship, Interest, Humour or Caprice? —

'Tis our true policy to steer clear of permanent alliances, ~~intimate connection~~ with any portion of the foreign world — So far, I mean, as ^{are} we ^{are} now at liberty to do it — for let me not be understood as capable of patronising infidelity to ~~pre~~ existing engagements, (^{the maxim no} ~~for~~ I hold ~~it to be as~~ less applicable to public ~~to public~~ than to private affairs ^{always} | — I repeat it ~~true in public, as in private transactions~~, that honesty is the best policy) ^{therefore, let those engagements} — ~~those must~~ be observed in their genuine sense. — But in my opinion, it is unnecessary and would be unwise to extend them. —

Taking care always to keep ourselves, by suitable establishments, on a ^{temporary} respectfully defensive posture, we may safely trust to ~~occasional~~ ^{allow-}ances for extraordinary emergencies. —

Harmony, liberal intercourse with all Nations, are recommended by policy, humanity and interest. — But even our Commercial policy should hold an equal and impartial hand: — neither seeking nor granting exclusive favours or preferences; — consulting the natural course of things; — diffusing & deversifying by gentle means the streams of Commerce, but forcing nothing; — establishing with Powers so disposed — in order to give to trade a stable course, to define the rights of our Merchants, and to enable the Government to support them — conventional rules of ^[Page 28] intercourse, ^{the} best that present circumstances and mutual opinion will permit, but temporary, & liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that 'tis folly in one Nation to look for disinterested favors ^{from} ^{for} ~~at~~ another — that it must pay with a portion of its Independence, ^{what-}ever it may accept under that character — that by such acceptance, it

may place itself in the condition of having given equivalents for nominal favours and ^{yet} of being reproached with ingratitude for not giving more.— There can be no greater error than to expect, or calculate upon real favours from Nation to Nation.— 'Tis an illusion which experience must cure, which a just pride ought to discard.—

In offering to you, my Countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression, I could wish — that they will controul the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the Destiny of Nations: — But if I may even flatter myself, that they may be productive of some partial benefit, some occasional good; — that they may now & then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign Intrigue, to guard against the ^[Page 29]Impostures of pretended patriotism — this hope will be a full recompence for the solicitude for your welfare, by which they have been dictated.—

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public Records and other evidences of my conduct must witness to You and to the world.— To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting War in Europe, my Proclamation of the 22. of April 1793 is the index to my Plan.— Sanctioned by your approving voice and by that of Your Representatives in both Houses of Congress, the spirit of that measure has continually governed me; — uninfluenced by any attempts to deter or divert me from it.—

After deliberate examination with the aid of the best lights I could obtain ~~(and from men disagreeing in their impressions of the origin progress and nature of that war)~~ I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest, to take a Neutral position.— Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance & firmness.—

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^ The considerations, which respect the right to hold this conduct, ~~some of them of a delicate nature would be improperly the subject of explanation on this occasion. I will barely observe that~~ would be improperly the subject of particular discussion on this occasion.— I will barely observe, that to me they appeared warranted by well established principles of the Laws of Nations, as applicable to the nature of our alliance with France in connection with the circumstances of the War and the relative situations of the contract—~~being denied by any of the Belligerent Powers, has been virtually admitted by all.~~

* The considerations, which respect the right to hold this conduct, it is not necessary ~~some of them of a delicate nature, would be improperly the subject of explanation on this occasion.~~ ^{to detail} I will only observe, that according to my understanding of the matter, that right so far from being denied by any of the Belligerent Powers has been virtually admitted by all.—

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every Nation, in cases in which it is free to act, to maintain inviolate the relations of Peace and amity towards other Nations.—

The inducements of interest for observing that conduct will best be referred to your own reflections & experience.— With me, a predominant motive has been to endeavour to gain time to our country to settle & mature its yet recent institutions, and to progress without interruption, to that degree of strength & consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.—

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^ Though in reviewing the incidents of my Administration, I am unconscious of intentional error—I am nevertheless too sensible ^{may} of my defects not to think it probable that I ^{may} have committed many errors.— ^{Whatever they may be, I} ~~I deprecate the evils to which they may tend, and~~ beseech the Almighty to avert or mitigate the ^{evils to which they may tend} ~~evils to which they may tend~~— I shall also carry with me the hope that my Country will never cease to view them with indulgence; and that after forty five years of my life dedicated to its service,

* This paragraph is wafered over the preceding in the original.





BIBLIOGRAPHICAL APPENDIX

THE following lists are intended to be helpful to the student of this volume by way of suggestion for supplementary reading; they are not offered as complete lists of works consulted by the author. Helpful suggestions are contained in the paragraph introductory to the bibliographical appendix to the first volume of this work. Valuable side-lights on many of the topics herein considered may be found in other general histories of the United States, such as Bancroft's, Hildreth's, etc., some of which are cited in the appendix to the first volume. As the reader can easily find what he wants by reference to the indexes of those works, the following lists omit such references. The general arrangement of this bibliography is similar to that used in the preceding volumes.

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CHAPTER XIII—THE ALIEN AND SEDITION ACTS; THE KENTUCKY AND VIRGINIA RESOLUTIONS

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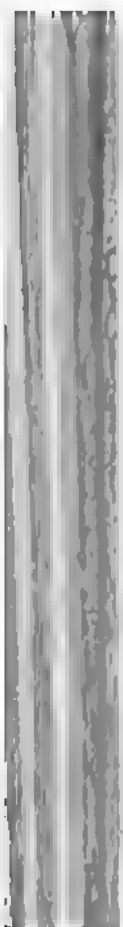
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